COMMERCIAL LITIGATION IN NEW YORK STATE COURTS

Sixth Edition

Volume 2

ROBERT L. HAIG
Editor-in-Chief

Chapters 1 to 10

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Foreword

This Foreword provides an opportunity to salute and to thank the 272 principal authors of the Sixth Edition of this treatise. Their expertise and qualifications are outlined in the "About the Authors" section following this Foreword. I would like to give readers at least some sense of the time and thought our authors have expended. Although it is difficult to quantify their efforts, one statistic may be helpful. We conservatively estimate that our authors and their law firms have invested more than 80 million dollars of their own billable time, calculated at their regular hourly billing rates, in working on the First, Second, Third, Fourth, Fifth, and Sixth Editions of this treatise and its annual Pocket Parts. I believe that readers will agree that our authors' efforts are reflected in the comprehensiveness and quality of the Sixth Edition.

The First, Second, Third, Fourth, and Fifth Editions

The First, Second, Third, Fourth, and Fifth Editions of this treatise, which were published in 1995, 2005, 2010, 2015, and 2020, respectively, have been widely recognized as unique and invaluable resources and became the definitive works in their field. The first five editions received an enthusiastic reception from the legal press, reflected in more than 100 favorable book reviews in legal newspapers, bar journals, and other publications throughout the State of New York which confirm the value of this legendary treatise.

Pocket Parts for all chapters in the Fifth Edition have been published each year since 2020. Due to the many changes over the past six years in New York procedural and substantive law relating to commercial litigation, it became clear that a new, sixth edition of the treatise was in order. In addition, as a result of the authors' careful and comprehensive annual updating of their chapters, the 2025-2026 Pocket Parts consisted of a total of 2,523 pages of text (on average, more than 16 pages of text per chapter) and the treatise was becoming unwieldy and inefficient to use.

Accordingly, the authors began work on the Sixth Edition of the treatise during the fall of 2025.

The Sixth Edition

Five new chapters have been added in the Sixth Edition to the chapters in the Fifth Edition. In addition, the chapters carried forward from the Fifth Edition have been substantially expanded. As a result, the Sixth Edition is ten volumes (there were three volumes in the First Edition, five volumes in the Second Edition, six volumes in the Third Edition, eight volumes in the Fourth Edition, and ten volumes in the Fifth Edition) and contains 14,516 pages of text (1,440 more pages of text than the Fifth Edition). The Sixth Edition also features a separate appendix that contains an Index as well as tables of all laws, rules, and the more than 34,000 unique cases cited in the Sixth Edition. The appendix makes it easy for readers to find precisely what they are looking for in one place.

In 2020, while we were working on the Fifth Edition, I thought that we had included a chapter on every subject likely to be of interest to commercial litigators. Commercial litigation in New York State courts has evolved over the past six years and we have added five new chapters in the Sixth Edition to address new subjects that are important to commercial litigators today. The following list of new chapter titles in the Sixth Edition includes a number of subjects whose importance has dramatically increased in recent years: Art; Asset Management; Blockchain and Digital Assets; Corporate Litigation Reporting Obligations; and Corporate Sustainability and ESG.

The authors of these five new chapters have obviously devoted substantial time and effort to the Sixth Edition. Less obvious, but no less important, are the new contributions to the Sixth Edition by the authors of the chapters carried forward from the Fifth Edition. The 2025-2026 Pocket Parts for some of the chapters in the Fifth Edition were more than 50 pages. The tasks of integrating and synthesizing lengthy Pocket Parts into even lengthier chapters to create completely current and seamless new chapters required extensive efforts by our authors. Even more crucial was the expertise and judgment they exercised to determine what needed to be added, and what should be eliminated, to create new chapters that provide comprehensive and up to date guidance without extraneous or obsolete material that wastes readers' time. I welcome readers' assessments of the results.

Although quality is always more important than quantity, we are grateful for the comprehensive work which our authors have submitted. To provide three quick examples, three of the most important and complex topics in commercial litigation in New York State courts are responses to complaints, provisional remedies, and document discovery. In this Sixth Edition, Chapter 8 on "Responses to Complaints" is 868 pages of text; Chapter 20 on

"Provisional Remedies" is 384 pages of text; and Chapter 30 on "Document Discovery" is 358 pages of text. I have discussed later in this Foreword the efforts we have made to provide accessibility and efficient delivery of the relevant practical guidance in these voluminous chapters.

Our Authors

The Sixth Edition of this publication contains the work of 272 principal authors, including 37 distinguished judges and the cream of the commercial litigation bar, the best lawyers practicing in the courts of this State. The generosity of these renowned authors, in sharing their experience and insights, backed up by the resources of many of the finest law firms in the United States, has enabled this unprecedented work.

I thank all of our 272 principal authors for both the quality and the quantity of their efforts and for the enthusiasm and commitment that characterized their participation. I particularly thank the 37 distinguished judges who graciously shared their valuable time and insights with us, including Chief Judge of the State of New York Rowan D. Wilson; Court of Appeals Judges Eugene M. Fahey, Victoria A. Graffeo, Madeline Singas, and Robert S. Smith; Chief Administrative Judge Lawrence K. Marks; Appellate Division Justices Sharon A.M. Aarons, Richard T. Andrias, Margaret Chan, John M. Curran, Helen E. Freedman, Judith J. Gische, John R. Higgitt, Barbara R. Kapnick, Joseph J. Maltese, Marsha D. Michael, Saliann Scarpulla, Alan D. Scheinkman, and Lillian Wan; Commercial Division Justices Nancy M. Bannon, Timothy S. Driscoll, Cenceria P. Edwards, Elizabeth Hazlitt Emerson, Linda S. Jamieson, Orin R. Kitzes, Andrea Masley, Nicole McGregor Mundy, Anar Rathod Patel, Martin E. Ritholtz, and Gretchen Walsh; United States District Judges Brian M. Cogan, Katherine B. Forrest, Barbara S. Jones, and William F. Kuntz, II; and United States Magistrate Judges Stewart D. Aaron, Mitchell J. Katz, and James M. Wicks.

The late Chief Judge Judith S. Kaye and former Chief Judge Jonathan Lippman wrote Chapter 1 in the First, Second, Third, and Fourth Editions. Former Chief Judge Janet DiFiore, who succeeded Judge Lippman as Chief Judge of the State of New York in 2016, also succeeded him as the author of Chapter 1 in the Fifth Edition. Chief Judge Rowan D. Wilson, who succeeded Judge DiFiore as Chief Judge of the State of New York in 2023, also succeeded her as the author of Chapter 1 in the Sixth Edition. I am grateful to Chief Judges Kaye, Lippman, DiFiore, and Wilson both for their contributions to this treatise and for their extraordinary contributions to commercial litigation in New York which I discuss later in this Foreword.

Scope and Focus

This publication is unique in the legal literature. There is no other book on commercial litigation in New York State courts. There is also no other book that combines in depth treatment of New York civil procedure with substantive law in the areas most commonly encountered by commercial litigators. Even more unique, however, is that again and again throughout this work, our authors have pointed out the interplay between the rules of procedure and substantive law. They have painstakingly outlined strategies for the representation of plaintiff and defendant. They have given thoughtful consideration to the delineation and attainment of objectives and to the advantages as well as ramifications and pitfalls of various actions and inactions on the part of the commercial litigator throughout the entire course of a lawsuit. This is not only a law book that is valuable as a research tool and a source of legal knowledge and citations, it is an idea book filled with nuggets of wisdom and perspective that could only have been gained by years of experience in handling cases from the most simple to the most complex. This book tells readers not only what the law is but how to use the law to achieve their clients' objectives.

The Sixth Edition of this treatise is a step-by-step practice guide that covers every aspect of a commercial case, from the investigation and assessment that take place at the inception, through pleadings, discovery, motions, trial, appeal, and enforcement of judgment. Great emphasis is placed on strategic considerations specific to commercial cases. The Sixth Edition also contains 68 substantive law chapters that cover the subjects most commonly encountered in commercial cases, including contracts, insurance, sale of goods, banking, securities, antitrust, intellectual property, professional liability, business torts, franchising, and many other commercial law topics. Covered as well are compensatory and punitive damages and other remedies such as specific performance, rescission, and declaratory judgments. Alternative dispute resolution is also addressed in separate chapters on settlements, negotiations, mediation and other nonbinding ADR, arbitration, and international arbitration.

In addition, the Sixth Edition contains a number of chapters on subjects that might not be covered in a conventional litigation treatise but nevertheless are important to commercial litigators. These additional chapters address the "business" of litigation practice (for example, our chapters on Marketing to Potential Business Clients; Third-Party Litigation Funding; Litigation Management by Law Firms; Litigation Management by Corporations; Crisis Management; and Litigation Avoidance and Prevention) as well as the professional growth and development of commercial litigators (for example, our chapters on Career and Practice Development; Teaching Litigation Skills; Pro Bono; and Diversity and Inclusion).

Special Features

The special features and categories of information in the Sixth Edition of this treatise include in-depth text on law and procedure, strategies and client counseling sections, procedural and practice checklists, checklists of essential allegations and defenses, checklists of sources of proof of allegations and defenses, hundreds of pages of essential litigation forms and jury charges, and numerous cross-references which facilitate efficient navigation within each chapter and throughout the entire treatise. These features were designed to provide the reader with everything needed to handle every aspect of a commercial litigation. The format makes this wealth of information equally accessible and useful for the commercial litigator when she needs an immediate answer for the client on the telephone or during a five minute deposition recess or when he has several hours to read, learn, and (hopefully) enjoy at leisure.

To facilitate further legal research, many chapters in the Sixth Edition contain research references to other treatises.

Accessibility and Efficient Delivery of Relevant Practical Guidance

One of the most important and pervasive objectives of this treatise is not only to answer all of readers' litigation questions but also to do so quickly and efficiently so readers can serve their clients cost-effectively throughout the litigation process. We have also sought to facilitate reader understanding and to make this treatise "come alive" for the reader. We have used a number of strategies to pursue these goals.

The chapters in this treatise are permeated with examples, illustrations, and practical and strategic advice. The authors have told readers exactly when and how the issues presented by the subject matter of their chapter arise in commercial litigation and how litigators should resolve those issues.

Our authors have recognized that very few lawyers are as experienced or sophisticated about the subject matter of their chapters as the authors. In order to help these less knowledgeable readers, our authors have gone beyond general recommendations and have provided readers with the details of how they should implement the authors' advice under various specific circumstances.

It is our intention that this publication serve as a blueprint for implementation by the reader. One of our goals is to provide commercial litigators with enough information so they can do almost everything they need to without any further guidance from anyone else. To achieve this goal, our authors have provided examples, both real and hypothetical, to illustrate their

recommendations. They have described specific applications. They have also included alternative strategies, and the factors that would dictate the utilization of alternative strategies. For contrast, they have given examples of failed approaches and have explained the problems and pitfalls.

Many legal treatises contain language that is probably readily understandable to lawyers who have substantial experience with the subject matter of the treatise but that may be difficult to penetrate for a litigator who is not familiar with such matters. To avoid this problem, our authors have put the concepts they discuss in their commercial context and have provided examples and illustrations of the concepts and principles they are discussing. Our goal is to make this treatise invaluable to all readers, not just lawyers who are already knowledgeable about the subjects covered in this treatise.

Each chapter in this treatise provides a substantial amount of guidance to any reader who reads the chapter from beginning to end. However, we recognize that many readers will not read entire chapters in this treatise from beginning to end but instead will use the Index to this treatise and/or the table of sections at the beginning of each chapter to turn immediately to the particular section or sections that they think will answer their question. Such readers may not know what the authors have discussed in their chapter before or after the particular section they are reading and often need guidance in finding other topics that the authors have discussed. As a result, we have devoted substantial efforts throughout this treatise to assist readers in navigating each chapter efficiently and in finding what they are looking for quickly. There are two particular vehicles in this treatise which enable efficient navigation and which have been implemented comprehensively throughout each chapter.

First, we have inserted literally thousands of cross-references to other sections of each chapter and to other chapters of this treatise to enable readers to find and obtain access to what they need quickly and efficiently. These cross-references also enable hyperlinking on Westlaw. In addition, these cross-references have assisted authors in focusing their chapter on its specific subject matter and have obviated any need for them to provide detailed descriptions of other types and aspects of litigation which may overlap with other chapters.

One example of the utility of these cross-references may help to communicate their contributions to accessibility and efficient delivery of relevant practical guidance to readers. Chapter 8 is on "Responses to Complaints" which is arguably the most consequential subject of the 160 chapters in the Sixth Edition. I am not aware of any more comprehensive analysis of this subject in New York practice than the coverage of responses to complaints in

Chapter 8 in the Sixth Edition. However, because of the herculean efforts by the author of Chapter 8, the chapter is 868 pages of text and thus finding the particular discussion to answer a reader's question could be a daunting challenge. Fortunately, the author of Chapter 8 has confronted and conquered that challenge. Chapter 8 contains 584 cross-references to other sections of Chapter 8 and 264 cross-references to other chapters of the Sixth Edition. Thus, all a reader has to do if they want additional information about a topic covered in Chapter 8 is to click on the relevant cross-reference and they will have immediate access to the information.

Second, the format of the numbered section headings in each chapter enables readers to understand the structure and contents of each chapter with one quick glance at the table of sections at the beginning of each chapter. The format of the numbered section headings also enables readers to understand the contents of each section of each chapter with one quick glance at the heading of each section, as well as the relationship of that section to the other sections in that chapter. This format is designed to facilitate efficient use of each chapter as well as to make the contents of this treatise readily accessible to readers.

Under many of the principal sections in each chapter are subordinate sections and sub-subordinate sections. Each subordinate section addresses one particular aspect of the principal section to which the subordinate section relates and each sub-subordinate section addresses one particular aspect of the subordinate section to which the sub-subordinate section relates. To implement this section heading format throughout each chapter, each subordinate section heading is preceded by the principal section heading for the principal section to which the subordinate section relates and each sub-subordinate section heading is preceded by first the principal section heading and then the subordinate section heading to which the sub-subordinate section relates. In addition, internal cross-references in footnotes enable readers to hyperlink instantaneously to other topics in each chapter as well as to other chapters of this treatise.

We believe that these additional features of this treatise maximize the accessibility and efficient delivery of the information in each chapter.

The New York County Lawyers Association

This publication is the result of a highly successful joint venture between Thomson Reuters and the New York County Lawyers Association. This was the first time that a commercial publisher and a major bar association in New York have undertaken a joint project of this nature. All royalties from sales of this treatise and its annual Pocket Parts go to NYCLA. The amount

of those royalties has been substantial.

I would like to thank NYCLA for the support it has provided for this publication over the past 31 years. I am particularly grateful to NYCLA's incomparable Executive Director, Sophia Gianacoplos, for her thoughtful advice and assistance.

The Commercial Division

When the First Edition of this treatise was published in 1995, commercial litigation in New York was at a critical juncture. The increasing volume of litigation and the increasing complexity of many commercial cases had placed an unsupportable burden on the court system that threatened timely and thoughtful resolution of disputes. As a result, many businesses were turning to the federal courts with their vastly greater resources as well as to the courts of other states such as Delaware and to private dispute resolution. In order to remain the commercial, financial, and banking capital of the world, New York had to have a viable public court system. Anything less would have been an impediment to the prompt and cost-effective resolution of business disputes.

In February 1995, Chief Judge Judith S. Kaye and Chief Administrative Judge E. Leo Milonas established a Commercial Courts Task Force to create and develop a Commercial Division of the State Supreme Court. I had the honor of co-chairing that Task Force with Judge Milonas.

This new dimension to commercial litigation was an exciting challenge to commercial litigators as they turned with increasing frequency to reap the benefits of this enhancement of the court system. This publication was intended to assist in maximizing the benefits of litigating in State court.

The rest is history. The Commercial Division has not only been an enormous success in New York: it has also led a national and international trend toward creation of business courts.

The Commercial Division began in 1995 with five judges in two counties. Thirty-one years later, there are 31 Commercial Division judges in nine counties as well as in the Seventh and Eighth Judicial Districts. During the past 31 years, the Commercial Division has dramatically changed the way in which the business community in New York State perceives the court system and the judicial process. Thirty-one years ago, the business community did its best to avoid the New York courts, perceiving them as inefficient, unproductive, unpredictable, and unfair. The same business community is now united in its unqualified and enthusiastic support for the Commercial Division. In fact, when our business leaders are seeking to attract businesses to New York, they mention the existence of the Commercial Division as one of the attractive features of doing business here.

Despite the potential for opposition to any change affecting the New York courts, the Commercial Division is remarkably

popular with all relevant constituencies. There is broad recognition that the Commercial Division has been good for the entire court system in New York.

Despite the critical acclaim for the Commercial Division, it has not been content to rest on its laurels. Instead, extraordinary efforts have been made during the past few years to further enhance the capabilities and performance of the Commercial Division. In January 2012, Chief Judge Lippman created the Task Force on Commercial Litigation in the 21st Century to take a fresh look at how the Commercial Division can continue to serve as an efficient and effective forum for resolving business disputes. In June 2012, the Task Force delivered a comprehensive report on how the Commercial Division can better serve the litigation needs of the business community and New York State's economy. One of the key recommendations of the Task Force was that the Chief Judge appoint a statewide Advisory Council on the Commercial Division. Thereafter Chief Judge Lippman created a permanent Commercial Division Advisory Council to advise him on an ongoing basis about all matters involving and surrounding the Commercial Division. I am honored and grateful that Chief Judge Lippman appointed me as the Chair of the Advisory Council which consists of lawyers, current and former members of the judiciary, and in-house counsel from around New York State. I am also grateful that Chief Judge DiFiore, who became Chief Judge in 2016, allowed me to continue to serve as Chair of the Advisory Council. In addition, I am grateful that Chief Judge Wilson, who became Chief Judge in 2023, has not only allowed me to continue to serve as Chair of the Advisory Council but has in 2025 also appointed a Co-Chair for whom I have the utmost respect, the Honorable Marguerite A. Grays, the Administrative Judge for the Eleventh Judicial District, Civil Term.

During the past 13 years, the Advisory Council has recommended numerous improvements to the Commercial Division's rules, procedures, and operations that have been designed to be responsive to the needs and concerns of the business community. The ultimate goal of these changes is to make the business litigation process in New York more cost-effective, predictable, and expeditious, and to thereby provide a more hospitable and attractive environment for business litigation in New York State. The success of these improvements has been widely recognized both in the United States and in other countries.

Although I could say much more about the Commercial Division and what it means to New York, I will conclude this Foreword with two other observations. Thirty-one years ago, the prevailing attitude within the New York courts was that there were too many cases and not enough money and that nothing could be done about the many intractable problems which permeate the

court system. Thirty-one years later, there are still too many cases and not enough money. Nevertheless, the culture and attitude of the judges and non-judicial personnel throughout our State have changed. The people who work in the New York State courts are aware that we now have a business court that many lawyers and business people perceive as the best forum for the resolution of business disputes anywhere available.

Accordingly, it now appears to those who work in the New York courts that if you work hard enough and do the right thing, there is no aspect of our courts that cannot be substantially improved. The magnitude of that change in attitude is almost incomprehensible to those who have not witnessed it personally. The benefits to New York are enormous. I believe that this treatise will enhance those benefits.

In addition, there has been increasing recognition during the past few years of the fact that the Commercial Division helps New York State to attract and retain businesses and therefore to generate tax revenues and provide jobs. The value and importance of these benefits is confirmed in the Proclamation relating to the Commercial Division which the New York City Council issued at its Stated Meeting on December 20, 2018. In its Proclamation, the City Council concludes that "New York owes much of its world-class status as an economic engine to its world-class court: the Commercial Division of the New York Supreme Court." The Proclamation also states:

> WHEREAS: The Commercial Division is uniquely qualified to increase taxable revenue for the City of New York while stimulating job growth. It strengthens New York City's ability to attract and retain businesses, which add jobs, fuel demand for real property, and increase tax revenue. The tax revenues from local businesses also provide financial support for the New York State judicial system;

Conclusion

I feel privileged to serve as Editor-in-Chief of this publication. In that role I reviewed and commented on the chapters in all six editions as well as the annual Pocket Parts each year since 1995. Throughout I have been impressed by the creativity of this magnificent team of volunteer litigators and judges. Their accumulated wisdom has made this an educational experience for me far beyond what I could have hoped for. In the best traditions of our profession, our authors have created, and then refined and improved, a significant work that has become a lasting credit to the New York County Lawyers Association and to the bar and the judiciary in New York State. I am grateful for the opportunity to participate.

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Robert L. Haig

October 2026

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About the Editor-in-Chief

Robert L. Haig is a partner in the law firm of Kelley Drye & Warren LLP in New York City. His practice focuses on commercial and other types of civil litigation in New York State and federal trial and appellate courts. He graduated from Yale College at age 19 and from the Harvard Law School at age 22.

Mr. Haig has been described in published articles as "one of the nation's foremost commercial litigators," "one of the country's leading commercial litigators," "one of New York's most preeminent commercial litigators," "a brilliant commercial lawyer," "a noted litigator and legal scholar," "a noted expert, author and lecturer in the area of Commercial Litigation," "a great advocate," "a knowledgeable and experienced practitioner," and "indefatigable."

Other published articles have described Mr. Haig as a "well-respected, nationally known expert on business and commercial litigation," "a renowned litigator and legal scholar," "a preeminent expert on commercial and business litigation," "a highly regarded authority on New York Commercial Law," "renowned New York City commercial litigator Robert L. Haig," "the well-known and highly-respected litigator," "a lawyer's lawyer," "one of the true greats in our profession," and "the incomparable Robert L. Haig."

An article published in 2012 noted that Mr. Haig has "held a variety of positions over the past three decades that have placed him at the center of commercial litigation in New York State." An article published in 2017 stated that Mr. Haig "is a renowned litigator in his own right and he has had extensive experience in federal courts." Another article published in 2017 stated that "There are few business litigators in New York who have garnered the respect among judges, outside counsel, and inside counsel as Bob Haig."

Furthermore, an editorial in *The Metropolitan Corporate Counsel* described Mr. Haig as "a prolific legal scholar and outstanding practitioner." An article published in 2021 noted Mr. Haig's "prodigious ability to rally busy professionals around a common, civic-minded cause." Another article published in 2021 stated that Mr. Haig's "contribution to the profession cannot be overstated" and that he "has earned a place in the legal pantheon for his efforts." An article published in 2023 describes Mr. Haig

as "both a longtime leader of the commercial litigation bar in New York and an experienced editor of legal treatises on commercial litigation."

Mr. Haig has been at the forefront of the national and international trend toward the creation of business courts. An article in *The Business Lawyer* in 2020 described Mr. Haig as "a driving force behind business-court development in the United States."

An article in the *New York Law Journal* in 2021 stated that Mr. Haig "has been at the forefront of promoting commercial courts for decades and has been an outstanding commercial litigator all his professional life." Another article published in 2021 stated that "Haig is a nationally recognized expert on business courts" and an article published in 2022 stated that "Robert L. Haig is one of the principal architects of the modern development of business courts in the United States."

An article in the *NY Business Law Journal* in 2023 describes Mr. Haig as "a true giant of the New York bar with positions and honors too numerous to list, who can be said also to be the business lawyer's best friend, having helped to create business courts in 21 states, including New York, and eight foreign countries." The *Business Courts Blog* stated in 2023 that "business courts pioneer Robert L. Haig … may have done more than any other single individual to advance the creation of business courts in the United States." An article published by the Association of Corporate Counsel in the *ACC Docket* on April 5, 2024 stated that "ACC gratefully acknowledges the substantial contributions of Robert L. Haig to ACC's advocacy for business courts beginning in 1996 and continuing until the present time."

Mr. Haig was the Co-Chair of the Commercial Courts Task Force established by Chief Judge Judith S. Kaye in 1995 to create and refine the Commercial Division of the New York State Supreme Court (the nation's first general trial court devoted exclusively to business litigation). He is now the Co-Chair of the Commercial Division Advisory Council established by Chief Judge Jonathan Lippman in 2013 to advise him on an ongoing basis about all matters involving and surrounding the Commercial Division, as well as to keep him apprised of developments in the business world that may affect the court system.

On November 16, 2008, Mr. Haig was inducted as an Honorary Charter Member of the American College of Business Court Judges in recognition of his efforts to develop business courts in New York and many other states and countries. He was also honored in the December 22, 2014 issue of *The National Law Journal* as a "Top 50 Litigation Trailblazer and Pioneer" for his work on business courts.

Mr. Haig has written and lectured extensively on various litigation and dispute resolution topics. He is the Editor-in-Chief of

the definitive treatise on business litigation in federal courts: the sixteen volume, 19,000 page treatise, entitled **BUSINESS AND COMMERCIAL LITIGATION IN FEDERAL COURTS**, published by Thomson Reuters in a joint venture with the American Bar Association Litigation Section. He is also the Editor-in-Chief of the definitive treatise on commercial litigation in New York State courts: the ten volume, 13,000 page treatise, entitled **COMMERCIAL LITIGATION IN NEW YORK STATE COURTS**, published by Thomson Reuters in a joint venture with the New York County Lawyers Association.

In addition, Mr. Haig is the Editor-in-Chief of the definitive treatise on relationships between inside and outside counsel for corporate clients: the seven volume, 12,000 page treatise, entitled **SUCCESSFUL PARTNERING BETWEEN INSIDE AND OUTSIDE COUNSEL**, published by Thomson Reuters in a joint venture with the Association of Corporate Counsel (among the authors of this treatise are the Chief Legal Officers of more than 100 major corporations). Mr. Haig is also the principal author of the **CORPORATE COUNSEL'S GUIDE**, published by the New York State Bar Association, as well as of numerous articles and book chapters. He has served as a member of the Board of Advisers to Business Laws, Inc.'s *Law Department Management Adviser*, as a member of the Board of Editors of Matthew Bender & Co., Inc.'s *Federal Litigation Guide Reporter*, and as a member of the Editorial Advisory Board of *Today's General Counsel*.

In 1991, Mr. Haig became the only New York lawyer to receive the Award For Excellence in Continuing Legal Education from the Association of Continuing Legal Education Administrators. On May 7, 1995, the New York State Bar Association's Commercial and Federal Litigation Section presented Mr. Haig with the Section's first annual Robert L. Haig Award for Distinguished Public Service. The Section has named this Award after Mr. Haig, and presents it in his name each year.

In 2021, Chief Judge Janet DiFiore appointed Mr. Haig as a member of the New York State Commission on Judicial Nomination which considers and evaluates the qualifications of candidates for the Court of Appeals, New York State's highest court. In the New York State Unified Court System press release announcing this appointment, Chief Judge DiFiore stated: "Bob Haig is a preeminent litigator, legal scholar and bar leader who has made innumerable contributions to the quality of our court system. His vast experience, wisdom and sound judgment will serve the Commission well."

Mr. Haig is a former President of the New York County Lawyers Association. He has served as the Chair of the Committee on the Judiciary of the Association of the Bar of the City of New York and also chaired that Association's Council on Judicial

Administration. He has served as a member of the New York State Bar Association's Executive Committee, was the founder and first Chair of that Association's Commercial and Federal Litigation Section, and also chaired its Committee on Federal Courts and its Committee on Multi-Disciplinary Practice and the Legal Profession and co-chaired its Task Force on the Evaluation of Candidates for Election to Judicial Office. He is a former President of the New York Bar Foundation. Mr. Haig is a Life Member of the American Law Institute, a Director of the Atlantic Legal Foundation, a Life Fellow of both the American Bar Foundation and the New York Bar Foundation, and a Director of the Committee for Modern Courts. He has also served as a member of the Policy Committee of the Departmental Disciplinary Committee of the Appellate Division, First Judicial Department, as a member of the Executive Committee of the National Center for State Courts' Lawyers Committee, and as a member of the House of Delegates of the American Bar Association.

About The Authors

The Honorable Stewart D. Aaron (Chapter 85, *Ethical Issues in Commercial Cases*) was sworn in as a United States Magistrate Judge in the United States District Court for the Southern District of New York on December 1, 2017. Before joining the Court, he was a partner at Arnold & Porter LLP, where he served as the Managing Partner of the New York Office (2012-2015) and the Administrative Partner of the New York Office (2005-2012). Judge Aaron had litigated commercial and civil rights cases in federal and state courts, as well as other tribunals, for over 30 years. He received his J.D. *summa cum laude* from the Syracuse University College of Law in 1983 and received a B.S. in Industrial and Labor Relations from Cornell University in 1980.

The Honorable Sharon A.M. Aarons (Chapter 26, *Bills of Particulars*) was born in Jamaica, West Indies and immigrated to the United States in the 1970s. In November 2003, she was elected Civil Court Judge for the City of New York, and in November 2009, she was elected to the Supreme Court of the State of New York, 12th Judicial District and reelected in 2023. As a Supreme Court Justice sitting in Bronx County, Justice Aarons was initially assigned to criminal trials and proceedings. In 2011, Justice Aarons began overseeing complex civil cases while also presiding over guardianship and Mental Hygiene Law matters. She additionally served as Supervising Judge for residential foreclosure settlement matters in Bronx County.

In May 2015, the Chief Administrative Judge appointed Justice Aarons to the New York State Unified Court System's Second Special Commission on Fiduciary Appointments. On March 1, 2016, Governor Andrew M. Cuomo appointed her as an Additional Justice of the Appellate Division, Third Department, making her the first person of color and immigrant to that court. In January 2021 and again in 2024, Governors Andrew M. Cuomo and Kathleen Hochul, respectively, appointed Justice Aarons as an Associate Justice of the Appellate Division, Third Department, making her the first and only minority to serve as a constitutional justice on that court. In March 2024, the Hon. Rowan D. Wilson, Chief Judge of the New York State Court of Appeals, temporarily appointed Justice Aarons as an Associate Judge of that court where she heard two criminal appeals and published dissents in both. Additionally, Justice Aarons currently serves as a member

of the Advisory Committee on Bar Admissions.

Justice Aarons earned her Juris Doctor from the City University of New York School of Law and a Bachelor of Arts from New York University. She is admitted to practice in state and federal courts in New York and New Jersey, as well as before the Supreme Court of the United States.

Justice Aarons began her legal career in 1989 as a Trial Attorney with the Legal Aid Society's Criminal Defense Division. She later joined a civil law firm where she specialized in personal injury and medical malpractice litigation. She also served as Court Attorney to a Bronx Supreme Court Justice (Criminal Division) and to the Surrogate of Bronx County, where she handled matters involving wills, trusts, and estates.

Justice Aarons served for over 20 years as Chairwoman of the Board of Directors for a non-profit organization dedicated to serving more than 1,000 special needs and preschool children in Bronx County. She is a former President and Chairwoman of the Bronx County Black Bar Association. She has served as a Mediator for the Civilian Complaint Review Board, New York County and as an Adjunct Professor at the Elisabeth Haub School of Law at Pace University and at Bronx Community College of the City University of New York. At Pace, Justice Aarons also judged moot court competitions and coached regional and national mock trial and moot court teams competing in California, Florida, Massachusetts, New York and Washington D.C. She additionally taught legal courses at Lehman College of the City University of New York.

Sameer Advani (Chapter 71, *Litigation Avoidance and Prevention*) is a partner in Willkie Farr & Gallagher LLP's Litigation Department and serves as Co-Chair of the firm's M&A Litigation Practice Group. He regularly represents clients in connection with a broad range of complex commercial disputes and appears in federal and state courts throughout the country, with a particular focus on mergers and acquisitions litigation, federal securities class actions, and shareholder derivative claims. His practice also includes litigating matters in bankruptcy court and under various foreign and domestic arbitration rules. He has particular experience in matters with an international dimension, having represented a number of clients in litigation that involved parallel ongoing proceedings in North America, Europe and Asia. Mr. Advani also has an active practice counseling corporate boards, special committees and management on issues of corporate governance and fiduciary duties. Mr. Advani was recognized by the 2026 *Lawdragon 500 Leading Litigators in America* guide for his work in M&A Litigation and Securities. Mr. Advani has also been recommended by *Legal 500* in M&A Litigation: Defense and was selected by *Law360* in 2014 as one of 10 attorneys nationwide

to be named a "Rising Star" in the area of Securities. Mr. Advani was named a BTI Client Service All-Star 2022, an annual listing of the attorneys selected by corporate counsel for "delivering the absolute best in client service." He was also recognized by Crain's New York Business in its 2022 "Notable LGBTQ Leaders" list and named to Lawyers of Color's 2022 "Law Firm Leaders" list. In 2019 and 2020, he was shortlisted at the Chambers Diversity & Inclusion Awards: North America in the category of Diversity & Inclusion Lawyer of the Year. Mr. Advani received his LLM from the New York University School of Law and his LLB from the National University of Singapore Law School.

Lauren E. Aguiar (Chapter 84, *Pro Bono*) is a partner and Chief Legal Officer and Global General Counsel at JAB Holding Company. She is responsible for the overall global legal strategy of JAB and its portfolio companies. She also oversees areas such as compliance, regulatory, privacy, cyber and IT, and security.

She joined JAB following nearly three decades at Skadden, Arps, Slate, Meagher & Flom LLP. At Skadden, she was a member of the Policy Committee and served as President of the Skadden Foundation.

She serves on the Boards of several nonprofit organizations, including Covenant House International, The Masters School, the O+ Music Festival, the Skadden Foundation, and she is the Chair of the Board of New York Lawyers for the Public Interest.

John L. Amabile (Chapter 8, *Responses to Complaints*) has been writing this chapter since this treatise's first edition in 1994. In her review of that initial edition, a federal district court judge singled out his chapter, describing it as "savvy and sophisticated." Over the past 32 years, the chapter has grown both in size and subject matter. It is the author's hope that the current version—Mr. Amabile's final one—will continue to be of substantial assistance to his fellow litigators as they pursue success in their profession.

Mr. Amabile is a graduate of Regis High School, The College of the Holy Cross and St. John's University School of Law where he was an editor of the Law Review. He attended both high school and law school on full academic scholarships.

Mr. Amabile had litigated commercial and corporate disputes, in state and federal courts throughout the country, for over 40 years. He had also lectured extensively with the Practicing Law Institute and the New York County Lawyers' Association on the art and science of litigation. In addition to writing of the "*Responses to Complaints*" chapters in all six editions of this series, he is also the co-author, together with John C. Amabile, of the chapter entitled *"Warranties"* in the first four editions of West's *Business and Commercial Litigation in Federal Courts* (Haig Ed.) (West 1998, 2005, 2011 and 2016).

Mr. Amabile had been active on numerous committees of the New York City Bar Association, chairing its Committees on State Legislation, on Symposia and on Gender Bias in the Federal Courts. He also had served on the Association's Committee on the Judiciary for 11 years and on its Council on Judicial Administration for five years. He has been a Mediator for the United States District Court for the Southern District of New York and for the Commercial Division of the New York State Supreme Court; an arbitrator for the United States District Court for the Eastern District of New York; and a lecturer on ethical issues at Benjamin N. Cardozo Law School.

Mr. Amabile had also chaired a Hearing Panel for the Disciplinary Committee of New York's Appellate Division for the First Judicial Department for over 14 years. He had also been a long-time member of the American and New York State Bar Associations and of the Federal Bar Council; and he has been listed in *Who's Who in America* since 1987, as well as in other similar national and international publications. In 2013, the New York County Lawyers' Association presented Mr. Amabile (and other lawyers) with The Boris Kostelanetz President's medal, in recognition of his extraordinary record of dedication to the Association and his distinguished service to the legal profession.

In addition to the courts of the State of New York, Mr. Amabile is admitted to the bars of the United States Supreme Court, the United States Tax Court, the United States Court of Claims, the United States Courts of Appeal for the Second and Ninth Circuits, and the United States District courts for the Southern and Eastern Districts of New York. He was also admitted pro hac vice to the bars of several other state and federal courts.

Before retirement, Mr. Amabile served as Chair of the Town of New Castle's Recreation and Parks Commission and as a Regional Commissioner in the American Youth Soccer Organization's multi-town youth soccer league in Westchester County, N.Y. Among his other post-retirement activities was serving as a member and vice-chair of the Board of Directors of Aiken County, South Carolina's Council on the Aging.

Robert J. Anello (Chapter 128, *White Collar Crime*), a principal at Morvillo Abramowitz Grand Iason & Anello P.C., has litigated in the federal and state courts for more than 40 years. He focuses his practice on white collar criminal defense, securities and regulatory enforcement matters, complex civil litigation, internal investigations and reviews, and employment discrimination and sexual harassment. Mr. Anello is widely recognized for his skills as a criminal and civil trial and appellate attorney, his ability to negotiate effectively on behalf of his clients, and his efficiency and discretion in conducting investigations and reviews on behalf of a wide variety of institutions. He has acted as inde-

pendent, outside counsel and consultant in a number of matters including to a Big Four accounting firm and a major global financial institution in connection with those firms' participation in SEC Look-Back Programs, which have included reviews of the firms' internal compliance programs. Mr. Anello was appointed by the Supreme Court, Appellate Division, First Department as Chairperson of the Attorney Grievance Committee and currently is Chairman Emeritus. He also is President Emeritus of the Federal Bar Council, and is a Fellow of the American College of Trial Lawyers, the American Bar Foundation, and the New York State Bar Foundation.

Mr. Anello's white collar practice involves representing defendants charged in a wide range of business crimes, FCPA investigations, allegations relating to sanctions, regulatory and tax violations, and civil frauds. His clients include individuals and public and private companies such as financial institutions, Fortune 500 companies, defense contractors, and law firms. In addition to his trial and appellate work, Mr. Anello specializes in pretrial representation, internal investigations, and representation of professionals before ethics and licensing boards. Mr. Anello advised the Supervisory Board of VimpelCom Ltd. in one of the largest FCPA investigations in U.S. history.

Mr. Anello is a co-author of the two-volume treatise: *White Collar Crime: Business and Regulatory Offenses*, Rev. Ed. (2025) and an author of the White Collar Crime column for the *New York Law Journal*. He is a frequent contributor to numerous other publications and a speaker on topics in the areas of white collar criminal law, securities law, professional ethics, and trial tactics. Mr. Anello is a regular contributor to *The Insider Blog* on *Forbes.com*. He also serves on the Litigation Advisory Board of Bloomberg BNA, one of the leading sources of legal, regulatory, and business information.

Mr. Anello is widely known for his dedication to organizations serving the legal community. He is a member of the Professional Ethics Committee of the Association of the Bar of the City of New York, former Chairman of the Associations' Audit and Professional Responsibility Committees, and former member of the Association's Nominating, Professional Ethics, Criminal Courts, and Judicial Committees. Mr. Anello also was named as a member of the Association's Ad Hoc Committee on Multi-disciplinary Practice and the Ad Hoc Committee Task Force on the Role of Lawyers in Corporate Governance. In addition to these roles, he is a member of numerous other bar associations, including the Association of Professional Responsibility Lawyers, New York Council of Defense Lawyers, the American Bar Association, the New York State Bar Association, where he was a member of the Association's House of Delegates, and the International Bar

Association. Mr. Anello also serves on the Executive Committee of New York Lawyers for the Public Interest, the Board of Trustees of The Supreme Court Historical Society, and is a member and secretary of the Foundation of the New York Organ Donor Network and former Chairman of the organization's Audit Committee.

Marisa Antonelli (Chapter 109, *Asset Management*) is a partner in Vinson & Elkins LLP's Commercial and Business Litigation practice. Ms. Antonelli counsels companies and individuals in connection with a wide range of high-stakes disputes, including securities litigation, commercial contract disputes, shareholder activism, and corporate governance matters. She handles litigation in New York state and federal courts, as well as in trial and appellate courts across the country. Ms. Antonelli also represents public and private companies, as well as board committees, in internal investigations, including in response to investigations by the SEC and other authorities. Her experience spans a broad range of industries, including the private equity, finance and banking, technology, food service, sports, and entertainment sectors. Ms. Antonelli was recently recognized in the "up and coming" category by Chambers USA for New York securities litigation and has been ranked as a key lawyer for securities litigation by the Legal 500. Ms. Antonelli received her J.D., *magna cum laude*, from Fordham University School of Law, and a B.A., *cum laude*, from the University of Rochester.

Jack C. Auspitz (Chapter 118, *Director and Officer Liability*) is a former partner in the New York office of Morrison & Foerster LLP and a former co-chair of the firm's Securities Litigation, Enforcement, and White-Collar Criminal Defense Group. He has more than 40 years of experience in commercial litigation, with an emphasis on securities, banking, and other complex civil litigation. He has litigated numerous private and class action securities cases for companies, officers, and directors in a broad range of industries, including financial services, life sciences, technology, and consumer products. Mr. Auspitz received his A.B., *cum laude*, from Columbia University, where he was a member of the Phi Beta Kappa Honor Society. He graduated from Harvard Law School, *magna cum laude*, where he served as an editor of the Law Review. Mr. Auspitz served as a law clerk to Hon. Irving R. Kaufman, U.S. Court of Appeals, Second Circuit.

David J. Ball (Chapter 112, *Valuing a Business*) is a partner in the New York office of Bracewell LLP's trial group, where he represents plaintiffs and defendants in a wide range of litigation matters—commercial contracts, financial services, intellectual property and bankruptcy litigation—in federal and state trial and appeals courts across the country, as well as in various arbitral tribunals and federal and state quasi-judicial agencies.

Mr. Ball is routinely called upon to work with, as well as cross-examine, expert witnesses on both damages and technical issues. Prior to joining Bracewell, Mr. Ball served as a law clerk to the Hon. William C. Connor in the U.S. District Court for the Southern District of New York and the Hon. Monroe G. MacKay in the U.S. Court of Appeals for the Tenth Circuit. Mr. Ball started his legal career in the Commercial Litigation and International Arbitration departments of Skadden's New York office. He earned his B.A. from Tufts University and his J.D. from New York University School of Law.

The Honorable Nancy M. Bannon (Chapter 40, *Commercial Cases in New York County for Less than $500,000*) was elected to the New York State Supreme Court, New York County, in November 2017, and was assigned to the Commercial Division in March 2024. After being elected to the Civil Court of the City of New York in 2008, she served for two years in the New York City Family Court, in Richmond and Bronx Counties, followed by two years in the Civil Court, Kings and New York Counties. Justice Bannon was designated as an Acting Supreme Court Justice in January 2013 and presided over a General IAS Trial Part which consisted largely of commercial and real estate matters.

Prior to being elected to the bench, Justice Bannon was the Principal Court Attorney to the Hon. Deborah A. Kaplan. From 1987 through 2001, Justice Bannon served as an Appellate Court Attorney to the Justices of the Appellate Division, Second Department. She began her legal career as a litigation associate at a real estate law firm.

Justice Bannon is a member of the New York State Bar Association and the New York City Bar Association, where she currently serves on the ADR Committee. She is also a member of the New York County Supreme Court's Gender Fairness Committee and Equal Justice Committee. Justice Bannon is a Past President of the Brooklyn Women's Bar Association and currently serves as a chapter delegate to the Women's Bar Association of the State of New York.

Justice Bannon received her B.A. degree from the University at Albany and her J.D. from Brooklyn Law School.

Edwin M. Baum (Chapter 46, *Presentation of the Case in Chief*) is a partner in the international law firm Ashurst Perkins Coie LLP and is a member of its Commercial Litigation practice group and Securities Litigation subgroup. Mr. Baum's practice is concentrated on representing sophisticated business clients in multi-faceted commercial, merger and acquisition, securities, finance, and consumer and product-related litigation. He principally represents preeminent business entities in the automotive, financial services, information technology and

pharmaceutical industries. He brings to clients the combined benefits of extensive experience in the arts of trial and appellate advocacy, and in-depth practical knowledge of multiple substantive disciplines that are often involved in today's complex business disputes, including antitrust, financial services, insurance, product and professional liability, securities, shareholder and corporate governance disputes, and theft of trade secrets and other employment-related litigation.

Mr. Baum regularly serves as national or coordinating counsel for clients facing putative class or governmental actions, or other potentially significant litigations, involving two or more such disciplines. He also frequently counsels clients in transactional matters and business planning, on assessing potential liabilities, and in developing action plans to prevent or minimize litigation risks. He is a graduate of Columbia University School of Law, where he was a Harlan Fiske Stone Scholar and Writing and Research Editor for the Columbia Journal of Law and Social Problems. He graduated with a B.S. with honors from Cornell University School of Industrial & Labor Relations.

Lynn B. Bayard (Chapter 139, *Art*) is a partner in the Litigation Department at Paul, Weiss, Rifkind, Wharton & Garrison LLP and has a diverse practice in the media, sports, arts, and entertainment industries. Ms. Bayard has represented songwriters, television networks, and motion picture studios, among others, in copyright and trademark matters, and music publishers in royalty rate proceedings and other copyright matters. She has also represented major sports leagues in some of their most significant matters. Ms. Bayard has been recognized as a "Leading Lawyer" *by Legal 500* in Sport since 2024 and recommended in additional practice areas, including Intellectual Property: Copyright from 2014 to 2022 and Media & Entertainment: Litigation from 2019 to 2025. She has also been recognized by *Best Lawyers in America* as a leading lawyer in Intellectual Property Law every year since 2020. Ms. Bayard has also written or co-written multiple chapters on intellectual property, including "Settling Copyright and Trademark Disputes" in *Settlement Agreements in Commercial Disputes: Negotiating, Drafting and Enforcement*, "Copyright" in *Business and Commercial Litigation in Federal Courts*, as well as a practice note titled "Copyright Infringement Claims, Remedies and Defenses" for *Practical Law Company*. She has spoken on topics including copyright infringement litigation as well as the advancement of women attorneys. Ms. Bayard is a former member of the Trademarks and Unfair Competition Committee and previously served on the Civil Rights Committee and the Copyright and Literary Property Committee of the New York City Bar. She is currently a member of the City Bar's Sports Law Committee and serves on its Intellectual Property Subcommittee.

Ms. Bayard received her J.D. from Boston University School of Law in 1995 and her B.A. from the University of Pennsylvania in 1990.

Garrard R. Beeney (Chapter 29, *Depositions*) is Of Counsel and a member of Sullivan & Cromwell LLP's Intellectual Property and Technology Law Group. He was counsel in both patent cases argued in the Supreme Court's 2016 term, is a fellow of the American College of Trial Lawyers and has been described by *Intellectual Asset Management* as "one of the best trial lawyers on the planet." Mr. Beeney has argued appellate cases in various courts, including the U.S. Supreme Court, the Federal Circuit, the Second Circuit Court of Appeals, and several state Supreme Courts. He is a member of the faculty of the National Institute of Trial Advocacy where he regularly has taught deposition and trial skills. Mr. Beeney's recent trial victories include obtaining a $960 million judgment for BlackBerry against Qualcomm for which he was named by The AmLaw Litigation Daily as "Litigator of the Week," a recognition he also received for a trial victory for MPEG LA against Alcatel Lucent in Wilmington, Delaware.

Mr. Beeney's public service activities include having served for more than a decade as the deputy mayor of Irvington, New York. He serves on the boards of Graham Windham, Sanctuary for Families and ProBono.net, and he regularly represents clients in pro bono litigation, including in recent victories in the Nebraska and Arkansas supreme courts.

James J. Beha II (Chapter 118, *Director and Officer Liability*) is a litigation partner in Baker Botts LLP's New York office. He defends public companies and their officers and directors in securities class actions and shareholder derivative litigation. He advises corporations, boards, board committees, and corporate officers and directors on corporate governance matters. And he represents energy, technology, and life-sciences companies in commercial disputes arising from corporate transactions. Mr. Beha received his A.B., with honors, from Princeton University and his J.D. from New York University School of Law. Mr. Beha served as a law clerk to Hon. Kevin Thomas Duffy, United States District Judge for the Southern District of New York.

Santiago Bejarano (Chapter 69, *Arbitration*) represents multinational corporations, state-owned enterprises, and sovereign states in high-stakes international disputes under both civil and common law regimes. He draws on more than 15 years of cross-border experience to represent clients in international commercial and investment arbitrations conducted under all major institutional and *ad hoc* rules. Mr. Bejarano has handled proceedings seated in leading arbitral forums, including New York, Washington, D.C., London, Paris, Singapore and The Hague, in

arbitrations administered by International Chamber of Commerce (ICC), International Centre for Dispute Resolution (ICDR), International Centre for Settlement of Investment Disputes (ICSID), Judicial Arbitration and Mediation Services (JAMS), American Arbitration Association (AAA), London Court of International Arbitration (LCIA), and Singapore International Arbitration Centre (SIAC).

Dual-qualified in Colombia and New York, Mr. Bejarano regularly conducts advocacy in Spanish-language or dual-language arbitrations and has significant experience representing clients in matters involving Latin America. He has acted for clients in a wide variety of industries, business sectors, and subject-matter, including the licensing of intellectual property, M&A transactions, and distribution, along with the development, distribution, and commercialization of energy, oil, and gas. Mr. Bejarano also represents clients in arbitration-related court proceedings in the United States, including in award enforcement actions and motions to compel arbitration.

Beyond his arbitration work, Mr. Bejarano has helped clients navigate high-profile government investigations and inquiries, white collar matters, and multijurisdictional internal investigations. He maintains an active pro bono practice, advising clients on immigration-related matters. In recognition of this work, he received the Legal Aid Society's Pro Bono Publico Award in 2015. A recognized thought leader in the field of international arbitration, Mr. Bejarano is a Lecturer in Law at the University of Pennsylvania Carey Law School, where he teaches international arbitration, and frequently speaks at international arbitration conferences and events around the world. Mr. Bejarano currently serves on the Board of the Institute for Transnational Arbitration's Americas Initiative.

Lina Bensman (Chapter 77, *Third-Party Litigation Funding*) is a partner at Cleary Gottlieb and has been at the firm for 15 years. She litigates "bet-the-company" commercial disputes and class actions, including breach of contract, fraud, and consumer claims. Her practice focuses on complex civil litigation, including coordination of litigation strategy across state and international borders as well as management of simultaneous high-stakes litigations, arbitrations, and criminal investigations. She has led trial teams to success in federal and state court, both in jury and bench trials.

Ms. Bensman has litigated disputes between litigation funders and their clients and advised on issues relating to litigation funding, and regularly speaks and publishes on related law and policy. She is a thought leader on litigation funding trends and issues, and regularly speaks and writes on the key features,

risks, and opportunities of litigation funding. She graduated *cum laude* as a Robert McKay Scholar from the New York University School of Law and received her B.A. *cum laude* from Brandeis University.

Charles G. Berry (Chapter 160, *An Overview of Surrogate's Court Practice for the Commercial Litigator*) is a partner in the Litigation and Trust & Estates Departments of Carter Ledyard & Milburn LLP. He has over 40 years of experience in commercial litigation and trusts and estates disputes. He has been involved in many prominent will contests, disputed accountings and other proceedings in the Surrogate's Courts and has represented individuals, financial institutions, non-profit organizations and others as fiduciaries, beneficiaries, creditors and claimants. He has also served as fiduciary for numerous trusts and estates, served on and chaired nonprofit boards and received court appointments as guardian ad litem and referee in attorney disciplinary cases.

Matthew L. Biben (Chapter 114, *Corporate Litigation Reporting Obligations*) is a litigation partner and member of King & Spalding LLP where he is the Global CoHead of the Financial Institutions Practice. His diverse litigation practice focuses on the complex negotiation and litigation of disputes for both individuals and organizations and includes civil disputes, regulatory and enforcement matters, securities and bankruptcy litigation, and complex matters involving New York State and the federal government. He is recognized as a *Benchmark Litigation* "Star," nationally recommended by *Chambers USA,* the *Lawdragon 500*, and *The Legal 500 US*, where he has been lauded as a "tenacious but balanced litigator."

Prior to going into private practice, Mr. Biben served for over 10 years at JPMorgan Chase as Executive Vice President and General Counsel of Chase Consumer & Community Banking and as Executive Vice President and Deputy General Counsel of The Bank of New York Mellon. Mr. Biben spent the first 12 years of his career in the U.S. Attorney's Office for the Southern District of New York, as an AUSA in the Criminal Division, where he received the Attorney General's Director Award for superior performance, and as an Assistant District Attorney in the Manhattan District Attorney's Office. Mr. Biben has served as Adjunct Professor of Law at the University of Pennsylvania Law School for over 30 years, teaching seminars in legal philosophy, federal crime, and corporate law and governance.

Mr. Biben has extensive board and community service experience, including serving on the Board of Trustees and the Executive Committee of Cornell University (now Emeritus Trustee); the Board of Overseers of the University of Pennsylvania Law School; Vice Chairman of the Board of Directors of the American

Arbitration Association; the Board of New York Lawyers for the Public Interest; the Board of Emigrant Bank; and the Board of Directors and Executive Committee of the New York Legal Assistance Group ("NYLAG"). He has served on the Law360 Editorial Board and is a member of the Board of Editors of the New York Law Journal.

Peter Bicks (Chapter 78, *Litigation Technology*) is a partner at Orrick, Herrington & Sutcliffe LLP and the former co-head of the firm's Global Litigation practice, widely recognized as a national trial lawyer whom clients enlist for their most complex, high-stakes disputes, from intellectual property to multi-billion-dollar commercial and products liability matters on the eve of trial. He has tried and won cases in venues ranging from state court juries across the country to the International Trade Commission, and in 2015 he was inducted into the American College of Trial Lawyers in recognition of his career trial work. Chambers USA reports clients describing him as "a standout trial lawyer" and "a great trial tactician," while peers have praised his ability to act as a calm "Field General" under pressure. His honors include top rankings in Chambers USA, Legal 500, and Benchmark Litigation, and recognition among Lawdragon's 500 Leading Litigators and Top 500 Lawyers, as well as New York "Litigation Star."

Peter's practice spans Complex Litigation & Dispute Resolution, Intellectual Property, and Mass Torts & Product Liability. He earned his B.A. from Pomona College and his J.D. from Georgetown University Law Center, is admitted in New York, and previously served on Orrick's Board and Management Committee. He has published on litigation technology, punitive damages, and complex trial strategy.

Steven M. Bierman (Chapter 143, *E-Commerce*), founder of Bierman ADR LLC, is an independent arbitrator and mediator based in New York and previously was a partner at Sidley Austin LLP, where he headed or co-headed the New York Litigation Group for 25 years and co-led Sidley's global Commercial Litigation and Disputes practice. Mr. Bierman is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and accredited as mediator by the Centre for Effective Dispute Resolution, and he serves on the American Arbitration Association's National Commercial Roster of Arbitrators and Mediators, the AAA Consumer Panel, the Panel of Distinguished Neutrals (arbitrator, mediator, and dispute prevention) of the International Institute for Conflict Prevention and Resolution (CPR), and Mediation Panels of the U.S. District Courts for the Southern District of New York and the Eastern District of New York, and New York state courts. Mr. Bierman has served as sole arbitrator, as chair and as a member of three-arbitrator panels, as an emergency arbitrator, and as an

appellate arbitrator. He has served as mediator of individual actions, putative class actions and collective actions. He has advised parties in the design of dispute resolution processes.

Mr. Bierman is Co-Editor-in-Chief of New York State Bar Association's distinguished journal of dispute resolution, *The New York Dispute Resolution Lawyer*. He is Co-Chair of CPR's Mediation Committee, served as Chair of the ABA's Advanced Mediation and Advocacy Skills Institute in 2023 and 2024 and as Co-Chair of the ABA Dispute Resolution Section's Mediation Committee (2023-25). Mr. Bierman has served on the Mediator Advisory Committee of the U.S. District Court for the S.D.N.Y. and serves on the ADR Advisory Council of the U.S. District Court for the E.D.N.Y.

Mr. Bierman is a recipient of the 2024 Eighth Annual James Duane Award, presented by the U.S. District Court for the Southern District of New York for exemplary service to the Court as mediator and contributions to the rule of law. He is an elected Fellow of the American Bar Foundation and has been recognized multiple times by Benchmark Litigation as a U.S. and a N.Y. Commercial Litigation Star, Best Lawyers in America, and The Legal 500 in Commercial Litigation.

Mr. Bierman received his J.D. degree from Georgetown University Law Center, where he was an Editor of the *Georgetown Law Journal*, and received his B.S. Econ degree in Economics, with honors, from the Wharton School of the University of Pennsylvania.

Bradley Bobroff (Chapter 44, *Trials*) is a partner in the Litigation Department at Proskauer Rose LLP.

Mr. Bobroff is a sought-after trial lawyer and strategic advisor whose broad litigation practice spans all varieties of high-stakes, "bet-the-company" disputes on both the plaintiff and defense side. Mr. Bobroff represents some of the world's largest public and private companies and their executives, sports leagues and teams, asset managers across private equity, private credit and hedge funds, real estate developers, and ultra-high-net-worth individuals and their family offices. He litigates most often in state and federal courts in New York and Delaware, but has represented clients around the United States and abroad, including before domestic and international arbitration panels.

Mr. Bobroff regularly handles matters involving securities, contract disputes, real estate, fraud, business torts, disputes between GPs and LPs, trade secrets and non-compete claims. He also serves as co-head of the Firm's Private Credit Litigation Group.

Beyond litigation, Mr. Bobroff serves as outside general counsel for a number of his family office clients, a role in which he is relied upon for his pragmatic and sound advice.

Equally comfortable in the courtroom and the boardroom, Mr. Bobroff is recognized by his clients and adversaries alike as a "straight shooter" and "problem solver," trusted to navigate the most complex and challenging disputes. He takes a practical, holistic approach to each engagement—developing and executing winning strategies and securing the most favorable results, whether at the negotiating table or before a judge and jury.

Earlier in his career, Mr. Bobroff served as a Special Assistant Corporation Counsel for the City of New York through Proskauer's externship program. As a trial lawyer in the Manhattan Trial Unit, Mr. Bobroff served as lead counsel for the City of New York in 17 jury trials.

Mr. Bobroff maintains a robust pro bono practice and has received numerous accolades for his commitment to his clients. He previously led Proskauer's public service deposition and trial programs, where he supervised and mentored dozens of young litigation and labor associates in defending a wide range of claims against the City of New York. He has also served on the board of the Young Professionals Committee of the Innocence Project, a national litigation and public policy organization dedicated both to exonerating wrongfully convicted individuals through DNA testing and reforming the criminal justice system to prevent further injustice.

Carmine D. Boccuzzi, Jr. (Chapter 23, *Cross-Border Litigation*) is a partner at Cleary Gottlieb Steen & Hamilton LLP. Mr. Boccuzzi's litigation and arbitration practice covers a broad range of complex civil litigation matters. He focuses on international disputes, including those involving foreign states and state-owned entities, as well as disputes involving the capital markets and antitrust issues. Mr. Boccuzzi is distinguished as a leading lawyer by *Benchmark Litigation, Chambers Global, Chambers Latin America, Chambers USA, The Legal 500 Latin America, Latin Lawyer 250, and Who's Who Legal*. He was honored by the Irish Repertory Theater for 25 years of pro bono service with the organization, serves as a member of the Federal Bar Council, and is a board member of the New York Lawyers for the Public Interest. Mr. Boccuzzi joined Cleary in 1994 and became partner in 2003. He received a J.D. from Yale Law School and a B.A., *magna cum laude*, from Yale College.

Hilary Bonaccorsi (Chapter 141, *Privacy and Security*) is a partner in Dechert LLP's Cyber, Privacy & AI practice and a nationally recognized privacy, cybersecurity, and artificial intelligence specialist. She helps companies tackle their most complex privacy, cyber and AI governance challenges, bringing a practical, business-minded approach to each matter. Named a "Next Gen Partner" and "Rising Star" by The Legal 500 for six consecutive years, Ms. Bonaccorsi has a sophisticated understanding of data

and emerging technologies—including in the FinTech, AdTech, and HealthTech spaces, and across the AI stack—and has spent over a decade leading global teams and serving as a trusted advisor to financial institutions, technology companies, and private equity-backed ventures.

Ms. Bonaccorsi works closely with general counsels, engineering, product, and operations teams to help companies launch new technology products and services in a manner that balances business needs with fast-shifting legal requirements. She advises clients on the design and implementation of privacy and AI compliance programs and data governance strategies aligned with the growing body of state, federal, and international law—including the CCPA/CPRA, GDPR, GLBA, and the EU AI Act. She routinely works at the intersection of privacy litigation, regulatory enforcement, and compliance, having successfully led companies through the implementation of FTC consent orders and engaged directly with the FTC and state attorneys general in connection with high-stakes enforcement matters.

Ms. Bonaccorsi has particular expertise in financial-services privacy and cybersecurity law, routinely advising large financial institutions, registered investment advisers, and FinTechs on obligations under the GLBA, SEC Regulation S-P, and NYDFS cybersecurity regulations (23 NYCRR Part 500). She counsels some of the world's largest global asset managers on cutting-edge issues and designs strategic privacy and AI programs tailored to industry-specific risk tolerances and regulatory frameworks. Ms. Bonaccorsi counsels developers and deployers of AI systems on compliance with domestic and international AI frameworks and designs tailored AI governance programs, validation testing protocols, and board-level reporting initiatives. Ms. Bonaccorsi also supports buy-side and sell-side deal teams in evaluating privacy, cybersecurity, and AI risks in corporate transactions, drawing on experience across hundreds of transactions and complex counseling matters.

A recognized thought leader in the field, Ms. Bonaccorsi is a frequent speaker and has been sought out by financial asset management and investment industry groups to guide thinking on key regulatory developments. She has published articles in the New York Law Journal and the Journal of Artificial Intelligence and Robotics, and serves on the Cyber Bits Partner Committee, Dechert's widely followed publication on key developments in cybersecurity, privacy, and AI. She also maintains an active pro bono practice.

James E. Brandt (Chapter 69, *Arbitration*) was a partner in Latham & Watkins LLP's New York office, where he formerly served as the Managing Partner and Co-Chair of the firm's New York Litigation & Trial Department. He was routinely ranked as

one of the top complex commercial litigators in New York City, and provided clients with exceptional service in a wide range of matters, including cross-border controversies and matters in alternative dispute resolution. Mr. Brandt specialized in complex litigation involving commercial and financial matters, particularly those related to securities, corporate transactions and insolvency. An experienced trial attorney, he led matters local, national, and international in scope. Mr. Brandt practiced regularly in the state and federal courts of New York, and has handled cases in numerous jurisdictions, including California, Delaware, Illinois, and Florida.

Shari Brandt (Chapter 80, *Marketing to Potential Business Clients*) is a partner in Ashurst Perkins Coie LLP's New York office where she is also Co-Practice Head of Complex Litigation (US). For more than 25 years, Ms. Brandt has represented clients in high-stakes U.S. and international matters, including white-collar criminal and regulatory proceedings, internal investigations, commercial civil litigation, and parallel proceedings. Ms. Brandt defends clients in matters before the Commodity Futures Trading Commission and U.S. Securities and Exchange Commission. She also litigates complex corporate disputes and class actions alleging antitrust, securities laws, and Commodity Exchange Act violations.

Ms. Brandt frequently handles matters that proceed simultaneously in regulatory, white-collar defense, and civil litigation forums. Her defense practice includes investigations brought by U.S. attorneys' offices, the U.S. Department of Justice, state attorneys general offices, and governmental and self-regulatory bodies. Ms. Brandt has been recognized in *Legal 500* and *Chambers* USA.

Kerry A. Brennan (Chapter 136, *Intellectual Property*) heads her own law practice focusing on a broad spectrum of complex commercial litigation matters for international and domestic clients, as well as trademark, copyright, false advertising, seizure of counterfeit goods, cybersquatting and defamation cases. She has practiced in New York federal and state courts for more than 35 years. Ms. Brennan also prosecutes trademark applications, handles proceedings before the U.S. Patent and Trademark Office and offers counseling on worldwide trademark portfolios. Prior to forming her own firm, Ms. Brennan was a partner for more than a decade in the litigation department in the New York office of Pillsbury Winthrop Shaw Pittman LLP. She has served as chair of the Women in the Courts and been a member of the Trademark and Unfair Competition Committees of the Bar of the City of New York.

Ms. Brennan received her B.A. degree in History from Colgate University and her J.D. degree, *cum laude*, from Brooklyn Law School, where she was a member and Notes Editor of the

Brooklyn Law Review.

Francesca Brody (Chapter 113, *Securities Litigation*) focuses her practice on securities and commercial litigation in federal and state courts and in arbitration. Ms. Brody's clients rely on her advocacy at all stages of a matter, from pre-litigation disputes through trial. She represents financial services clients, insurers, technology companies, life sciences companies, and other public and non-public companies.

Chambers USA has recognized Ms. Brody as an "Up and Coming" lawyer for her work in New York Litigation: Securities (2024–2025). In 2023, Ms. Brody was recognized as a "Rising Star" by the New York Law Journal.

Ms. Brody served as a law clerk to the Honorable Kevin Thomas Duffy of the United States District Court for the Southern District of New York. She writes frequently on issues relating to securities litigation, and is a co-author of the "Securities Litigation" chapter of Commercial Litigation in New York State Courts and contributor to "Securities Class Actions in the Life Sciences Sector," an annual Sidley publication.

Ms. Brody is on the board of directors of Mobilization for Justice, a non-profit serving the civil legal needs of New Yorkers. She also maintains an active pro bono practice and has represented individuals in the New York state and federal courts and elsewhere.

Ms. Brody received her B.A. from the University of Pennsylvania and her law degree from Fordham University School of Law, where she was a notes and articles editor for the Fordham Law Review.

Lisa M. Buckley (Chapter 155, *Entertainment*) is the founder of Buckley Law, PLLC. Working on a broad spectrum of matters—ranging from intellectual property and entertainment to securities and banking—she is a well-rounded advisor to clients from a wide range of industries.

Ms. Buckley litigates in federal and state courts around the country and represents clients before a variety of alternative dispute resolution forums, including JAMS, the American Arbitration Association (AAA) and the International Chamber of Commerce (ICC). She has litigated many matters that have resulted in multimillion-dollar verdicts.

Andrew J. Calica (Chapter 32, *Requests for Admission*), a partner at King & Spalding LLP, represents chemical and pharmaceutical companies in toxic tort, product liability, mass, and class actions. He advises clients on strategy for navigating large dockets and in multi-jurisdiction litigation. His experience includes emerging contaminants (e.g., PFAS, PCB), pharmaceuticals, vaccines, and with claims asserting personal injury, medical monitoring, and property damage in the context of individual,

coordinated, and class action proceedings. Mr. Calica has also defended clients in cases brought by state attorneys general and public water systems. His recent engagements include representing global chemical companies in water contamination cases and a multi-national logistics company in automotive liability cases.

Mr. Calica also has substantial multi-district litigation experience representing financial institutions in antitrust and commodities litigation. He advises clients in complex commercial disputes and on resolution strategies. His clients include banks, private equity firms, and family offices. Mr. Calica earned his J.D. from Cornell Law School in 2004 and his B.A. from Wesleyan University in 2001 graduating Phi Beta Kappa.

Helen V. Cantwell (Chapter 5, *Internal Investigations*) is Co-Chair of Debevoise & Plimpton's White Collar & Regulatory Defense Group in New York. Her practice focuses on white collar criminal defense, regulatory enforcement actions, and internal investigations for a wide variety of corporations, financial institutions, and non-profits. She also advises clients on their responses to state and federal investigations and on their compliance obligations. Prior to joining the firm, Ms. Cantwell served for eight years as an Assistant United States Attorney for the Southern District of New York, where she was a member of the Securities and Commodities Fraud Task Force. Earlier in her career, she served as an Assistant District Attorney in the New York County District Attorney's Office, including as a prosecutor in the Manhattan DA's Sex Crimes Unit.

George F. Carpinello (Chapter 28, *Sealing of Court Records*) is a Partner in the Albany office of Boies Schiller Flexner LLP, where he specializes in all aspects of complex litigation. He has practiced in the New York and federal courts for over 30 years. He is a graduate of Princeton University and Yale Law School. For over 30 years, he has served as Chair of the Office of Court Administration's Advisory Committee on Civil Practice, which advises the Chief Judge and the Chief Administrative Judge as to proposed changes in New York CPLR's and Uniform Rules. The Advisory Committee drafted Section 216.1, New York's rule with regard to the sealing of court records. Mr. Carpinello also previously served as Director of Albany Law School's Government Law Center and as Professor of Law at Albany Law School. He has taught in the areas of civil procedure, New York practice, copyright law, antitrust, conflicts of laws and government ethics. He is also a former Chair of the Judicial Administration Committee of the New York State Bar Association and was formerly President of the Legal Aid Society of Northeastern New York. He has been nominated as a candidate for the New York State Court of Appeals four times, twice for the position of Chief Judge, by New York's Judicial Nominating Commission. Mr. Carpinello serves as an Early Neutral Evaluator for the United States District Court

for the Northern District of New York.

Andrew J. Ceresney (Chapter 5, *Internal Investigations*) is a partner in Debevoise & Plimpton's New York office and Co-Chair of the Litigation Department. Mr. Ceresney represents public companies, financial institutions, asset management firms, accounting firms, boards of directors, and individuals in federal and state government investigations and contested litigation in federal and state courts. He has many years of experience prosecuting and defending a wide range of white collar criminal and civil cases. Prior to rejoining Debevoise in 2017, Mr. Ceresney served as Director of Enforcement at the U.S. Securities and Exchange Commission, where he oversaw the SEC's nationwide enforcement program and led investigations involving financial reporting, insider trading, market structure, asset management, and the Foreign Corrupt Practices Act. Earlier in his career, Mr. Ceresney served as a Deputy Chief Appellate Attorney in the U.S. Attorney's Office for the Southern District of New York.

The Honorable Margaret Chan (Chapter 27, *Disclosure Strategy*) is an Associate Justice in the New York State Supreme Court, Appellate Division, First Department, since her appointment by Governor Kathy Hochul on July 24, 2025. Before that, Justice Chan served in the New York County Commercial Division. Prior to the Commercial Division, from 2012 until March 2021, Justice Chan had an IAS part handling a wide range of cases from mass torts to constitutional litigation.

Justice Chan serves on various court committees, including the Curriculum Committee on the Eileen Bransten Institute on Complex Commercial Litigation; Committee on AI and the Courts; and the Committee on Pattern Jury Instructions (PJI)—Civil.

Justice Chan also served as a Fordham University School of Law adjunct professor from 2018-2024, teaching legal research and writing and the judicial-externship seminar.

Born in Hong Kong, she immigrated to Canada at age seven and then, at fourteen, to Brooklyn, New York. When she was elected to the New York City Civil Court in 2006, she became the first Asian immigrant woman to become a judge in New York State.

May Chiang (Chapter 11, *Comparison with Commercial Litigation in Federal Courts*) is a partner at Dechert LLP representing corporate and individual clients in high stakes commercial litigation, trade secrets litigation, government enforcement actions and internal investigations. She was recognized by *Legal 500 US* for Dispute Resolution: General Commercial Disputes. Ms. Chiang has litigated disputes in federal and state courts at both the trial and appellate levels, represented clients in enforcement matters involving the SEC, the U.S. Department of Justice, and the Manhattan DA's office, and advised corporations and

their executives in business disputes involving breach of contract, trade secrets, breach of fiduciary duty, separation agreements, and clawback.

Ms. Chiang received her B.A. with Honors from Stanford University in 2005 and her J.D., *cum laude*, from Georgetown University Law Center in 2010. She clerked for the Honorable Pamela K. Chen of the United States District Court for the Eastern District of New York.

The Honorable Brian M. Cogan (Chapter 39, *Practice Before the Commercial Division*) is a Senior District Judge in the United States District Court for the Eastern District of New York. Judge Cogan was appointed by President George W. Bush on May 4, 2006, and entered on duty June 12, 2006. Judge Cogan obtained his B.A. degree from the University of Illinois at Champaign-Urbana and his J.D. degree from the Cornell Law School, where he was a member of the Board of Editors of the Cornell Law Review. Judge Cogan served as Law Clerk for Judge Sidney M. Aronovitz in the United States District Court for the Southern District of Florida. Upon completion of his clerkship, Judge Cogan became an associate at Stroock & Stroock & Lavan LLP, where he spent his career prior to his appointment to the bench, becoming a partner in 1988 and General Counsel to the Firm in 2004. He had a commercial litigation practice concentrating on complex litigation, accountants liability and securities fraud, insolvency, and cross-border litigation.

Judge Cogan is a member of the Committee on Grievances, Eastern District of New York. He is Chair of the District Judge Education Committee of the Federal Judicial Center, and serves as a "mentor judge" for the Federal Judicial Center's introductory program for newly appointed judges. He was appointed to the Judicial Conference Committee on the Bankruptcy Courts by Chief Justice John Roberts and serves as the Chair of the Judiciary Subcommittee of that Committee. In addition, Judge Cogan has taught as an Adjunct Professor at Brooklyn Law School. He also has served as a Judge Advocate General in the New York Guard. Although a Senior Judge, he continues to maintain a full caseload.

Harris ("Hirsh") N. Cogan (Chapter 16, *Enforcement of Choice of Law Clauses*) is Senior Counsel to Blank Rome LLP and formerly the Practice Group Leader of its Corporate Litigation Group. Mr. Cogan has over 45 years of experience in state and federal courts throughout the country, and specializes in complex commercial disputes, including securities litigation, shareholder and partnership disputes and real estate matters. He is a graduate of Brooklyn College and Hofstra University School of Law, where he served on its Law Review.

J. Peter Coll, Jr. (Chapter 33, *Selection of Experts, Expert Disclosure and the Pretrial Exclusion of Expert Testimony*) is a

retired partner of the international law firm of Orrick, Herrington & Sutcliffe LLP. A 1968 graduate of Georgetown Law School, where he was an editor of the Law Journal, Mr. Coll's primary area of practice was complex litigation. As a result of his litigation activities in New York, as well as nationally, he was admitted to practice in all New York federal district courts, as well as the United States District Courts for the District of Arizona, the District of Connecticut and the Northern District of California; the United States Courts of Appeals for the First, Second, Third, Fifth, Sixth, Eighth, Ninth, Eleventh and Federal Circuits; the United States Tax Court; and the United States Supreme Court. He has had two noteworthy wins in the New York State Court of Appeals, Williamson v. PricewaterhouseCoopers, 9 N.Y.3d 1 (2007) and Continental Indemnity Co. v. PricewaterhouseCoopers (June 29, 2010). In 2000, he argued the winning side before the Supreme Court of the United States in United States v. Mead Corp., 533 U.S. 218, 121 S.Ct. 2164, 150 L.Ed.2d 292 (2001). He was a contributing author to Preparing for and Trying the Civil Lawsuit (NYSBA 2nd Ed. 2004) and to Products Liability in New York (NYSBA 1997), and sat on the board of advisors of BNA's Product Safety and Liability Reporter.

Melissa Colón-Bosolet (Chapter 143, *E-Commerce*) is a partner in Sidley's global Commercial Litigation and Disputes practice in the New York office. She represents clients in high-risk business disputes in federal and state courts, arbitrations, and internal investigations. Melissa's practice spans many different substantive areas of litigation, including those involving fraud and breach of contract, business torts, partnership disputes, purchase price adjustments, whistleblower-related litigation, and False Claims Act matters. She also represents companies and board committees in some of their most complex and sensitive enforcement and investigation-related issues.

Melissa's litigation skills and reputation as a trusted business counselor have earned her various industry accolades, including by *Chambers USA*, the Minority Corporate Counsel Association, the Council of Urban Professionals, *Crain's New York Business, Bloomberg Law, the New York Law Journal, Super Lawyers*, and the Hispanic National Bar Association.

Melissa is also a leader in the New York legal community. She currently serves on the board of LatinoJustice and is a former trustee with Big Brothers Big Sisters of New York City. Melissa also serves on the Board of the NYC Bar Association and formerly served as Chair of the NYC Bar Association's Women in the Legal Profession Committee and Co-Chair of the NYC Bar Association Council on the Profession. An active Cornell Law alumna, Melissa also serves on the Dean's Advisory Council. She received her B.A. from CUNY—Hunter College.

Daniel S. Connolly (Chapter 112, *Valuing a Business*) is the managing partner of Bracewell LLP's New York Office, where his commercial litigation and white collar practice focuses on representing clients in a variety of industries such as banking, construction and pharmaceutical manufacturers. Dan began his career in the Office of the Manhattan District Attorney, where he tried more than 60 cases to verdict, including homicides and other complex criminal matters. He then served as counsel in the administration of New York City Mayor Rudolph Giuliani, where he was responsible for all major litigation undertaken by and against the administration, and served as a key policy advisor to the mayor. He earned his B.A. from Hamilton College and his J.D. from American University School of Law.

Roger A. Cooper (Chapter 12, *Comparison with Commercial Litigation in Delaware Courts*) is a partner with Cleary Gottlieb Steen & Hamilton LLP, Co-Leader of the firm's Americas Litigation Group, and leader of the firm's securities, shareholder, and M&A litigation practice. His practice focuses on complex civil litigation, with an emphasis on shareholder, class action and derivative actions arising out of securities, M&A, corporate governance and other commercial disputes. Mr. Cooper has litigated dozens of securities, M&A and other investor or shareholder disputes in federal court, Delaware Chancery Court, and other state courts. In securities litigation, he regularly represents both issuers and underwriters, and has particular experience representing foreign issuers and handling matters with cross-border or international issues. In the M&A context, he regularly litigates on behalf of targets, acquirers, as well as financial advisors, in both friendly and hostile transactions. He also routinely advises boards, company executives, and in house counsel on litigation and strategic considerations in connection with deals or other corporate events, usually in close collaboration with Cleary's corporate and transactional attorneys.

Mr. Cooper is a global leader in high-profile securities class action litigations and his notable experience includes representing Petrobras and other defendants in federal securities class action litigation in what is the largest securities class action ever brought against a non-U.S. issuer. He also represents Allergan and certain executives in securities class action litigation arising out of alleged misrepresentations about the risks of silicone-gel breast implants; International Flavors and Fragrances in securities class action related to its acquisition of Israeli company Frutarom; Ryanair in securities class action related to disclosures about labor issues and unionization in Ireland; Sky Solar (China) in securing dismissal of securities class action litigation related to its IPO; Temasek Life Sciences Private Fund in litigation arising from the take-private of WuXi Pharma; and the former CEO

of BRF in securities class action arising from "Operation Weak flesh" corruption investigation in Brazil. In Delaware, he recently represented Synutra and its special committee related to its going private both in securing dismissal in the Chancery Court and on appeal to the Delaware Supreme Court, and Kindred Healthcare in defeating a preliminary injunction motion. He is also representing Genting (Malaysia) and Empire Resorts in appraisal litigation related to the take-private transaction of Empire.

Mr. Cooper is recognized for his work in securities litigation by Chambers USA and was named a "Litigation Star" by *Benchmark Litigation*. He was also named a "Leading Lawyer in Securities Litigation" by *The Legal 500*.

Mr. Cooper joined the firm in 2003 and became a partner in 2011. He received a J.D. from Columbia University School of Law, a Ph.D. in Political Philosophy from Duke University, and a B.A. from the University of Wisconsin. Between 2002 and 2003, he served as a law clerk to the honorable B. Avant Edenfield of the U.S. District Court for the Southern District of Georgia.

Jonathan K. Cooperman (Chapter 64, *Appeals to the Appellate Division*) is a partner at Kelley Drye & Warren LLP in New York City who has litigated commercial disputes nationally in both state and federal courts for the past 40 years. Mr. Cooperman often practices in the Appellate Division of the Supreme Court of New York, which is one of the busiest appellate courts in the nation in the field of commerce. He focuses on all aspects of civil litigation, including commercial litigation and contract disputes; environmental law (property damage and personal injury); consumer class actions; unfair competition and theft of trade secrets; and bankruptcy. Mr. Cooperman received his undergraduate degree from Williams College and his J.D. from Syracuse University. He was designated as a national litigation star in *Benchmark* Litigation 2023 and 2025. He has been listed in New York "*Super Lawyers*," 2007 and 2009-2025, and recommended in *US Legal 500* for his work in the areas of Product Liability, Mass Tort and Class Action: Consumer Products, 2017 and 2019-2021, and Environment Litigation, 2020-2021. He was the Co-Chairman of the New York State Bar Association "Faster, Smarter, Cheaper Working Group" Committee tasked with making recommendations to improve the efficiency of the litigation process.

Victoria V. Corder (Chapter 6, *Case Evaluation*) is a partner in the New York office of Norton Rose Fulbright US LLP. Ms. Corder focuses her practice on complex commercial disputes involving breaches of contracts, fraud and business torts. She has particular experience with issues unique to cross-border disputes as well as disputes governed by New York law and procedure, and has significant trial and arbitration experience. She has

represented and counseled companies in the financial services, reinsurance, technology, energy, and healthcare industries in every phase of litigation, arbitration and alternative dispute resolution.

Ms. Corder received her law degree from Washington and Lee University School of Law in 2010, where she was the Editor-in-Chief of the Journal of Civil Rights and Social Justice and the 2010 recipient of the A.H. McLeod-Ross Malone Award from the faculty for distinction in oral advocacy. She received her A.B. from Dartmouth College in 2005. She is a member of the Commercial and Federal Litigation and International sections of the New York State Bar Association, the New York City Bar Association and the Dartmouth Lawyers Association. She has been recognized in the area of commercial disputes by *The Legal 500, Best Lawyers, Lawdragon 500 X—the Next Generation,* and *New York Metro Super Lawyers*.

Martin J. Crisp (Chapter 119, *Fiduciary Duty Litigation*), Partner at Ropes & Gray LLP, focuses his practice on shareholder litigation, and has advised investment bank, private equity, and public company clients in connection with transactional litigations, securities actions, and derivative claims. Mr. Crisp regularly represents buyers, sellers, and financial advisors in all forms of litigation arising out of corporate transactions, including breach of fiduciary duty suits and post-closing disputes.

With over 20 years of legal experience, Mr. Crisp has successfully represented financial advisors, including Goldman Sachs, Deutsche Bank, Morgan Stanley, PJT Partners, and Houlihan Lokey, in connection with litigation arising from merger transactions. He also served as counsel to Shari Redstone and National Amusements, Inc. in connection with litigation brought by stockholders in connection with the CBS/Viacom merger and the sale of Paramount to Skydance Entertainment. He represents issuers, underwriters, and individuals in connection with securities class actions, and a variety of financial institutions and public companies in commercial litigations in New York and other jurisdictions.

A frequent author on corporate and securities litigation, Mr. Crisp's work has been featured in *Harvard Law School Forum on Corporate Governance and Financial Regulation, Law360*, and *International Law Office Corporate Finance/M&A Newsletter*.

Mr. Crisp has been recognized as a leading practitioner by *Chambers USA* for Securities Litigation, *Legal 500* and *New York Super Lawyers*.

Robert E. Crotty (Chapter 76, *Litigation Management by Law Firms*) is a member of the law firm Kelley Drye & Warren LLP, resident in its New York City Office. Mr. Crotty was a Clerk for the Honorable Lloyd F. MacMahon in the United States

District Court for the Southern District of New York and has been in the practice of law for more than 50 years specializing in complex commercial litigation, domestic and international arbitration and appeals for many Fortune 500 corporations and other clients. Mr. Crotty has represented clients in the automobile, banking, chemical, direct marketing, health care, pharmaceutical, real estate, real estate valuation, securities, telecommunication, trust and estates and other business areas. Mr. Crotty has lectured and written on many issues relating to complex litigation and arbitration and has been active in pro bono work, bar association activities and community affairs. He has a Bachelor of Arts Degree from the University of Notre Dame and a Juris Doctor Degree from Cornell Law School. Mr. Crotty served as an officer in the United States Naval Reserve, retiring from active duty with the rank of Lieutenant.

Matthew P. Cueter (Chapter 108, *Personal Injury*) is a partner at Lewis Brisbois Bisgaard & Smith LLP in the general liability practice. He received his undergraduate degree from the State University of New York, University at Albany and attended Brooklyn Law School. He is admitted in the State of New York as well as in federal court in the Eastern and Southern Districts of New York. Mr. Cueter has been practicing law since 2011.

Mr. Cueter has handled various types of general liability cases over the years. He currently focuses his practice in the areas of construction defect, premises liability, product liability and labor law litigation. Mr. Cueter provides comprehensive legal representation to his clients from the beginning of a matter all the way through appellate practice if necessary.

Notable cases Mr. Cueter has handled include an alleged $100 million dollar property damage loss at a housing complex that was claimed to have been riddled with water leaks and allegedly had numerous other problems. Lewis Brisbois was asked to appear in the case and defend the window installer after nearly eight years of litigation had already taken place. Eventually a favorable settlement was negotiated at a significant discount to the client.

Mr. Cueter also defended a property owner in a wrongful death action involving a fire. Plaintiff sought several million dollars. He successfully argued to the Supreme Court judge that the fire was not the result of defective wiring in the apartment and that there was no evidence of negligence by the defendant property owner. Plaintiff attempted to make this case a battle of experts. Mr. Cueter was able to convince the judge that plaintiff's experts' opinions were conclusory, speculative and could not be relied upon. Plaintiff then appealed the decision to the Appellate Division, Second Department. Again, he was successful in beating back plaintiff's claims. The Court of Appeals declined to grant

leave to appeal.

In a premises matter involving a slip and fall on ice, Mr. Cueter convinced the Appellate Division, First Department to reverse a Supreme Court judge's ruling that the landlord of a space was entitled to conditional contractual indemnification. His client was the tenant of the space charged with the responsibility to keep the sidewalk free and clear of snow and ice. Mr. Cueter convinced the Appellate Division that the landlord of the space never met its prima facie case for entitlement to summary judgment because it did not show that melting snow and ice from an awning the landlord retained control over did not contribute to the subject incident. The case eventually settled for a reasonable amount, with a significant contribution from the landlord of the space.

The Honorable John M. Curran (Chapter 58, *Trial and Post-Trial Motions*) is an Associate Justice of the Appellate Division, Fourth Judicial Department. He was first appointed to the Appellate Division by Governor Andrew Cuomo in February of 2016. He was appointed in June of 2004 to be a Justice of the Supreme Court of the State of New York, Eighth Judicial District, by Governor George Pataki. He won election in November of 2004 and re-election in 2018. He was previously the Commercial Division Justice for the Eighth Judicial District.

At the time he became a Justice of the Supreme Court, Justice Curran was a partner in the trial department of Phillips, Lytle, LLP, one of upstate New York's largest law firms. Justice Curran began his career with a large Miami, Florida law firm until returning to Buffalo in 1987. His law practice was concentrated in commercial litigation and he has experience in handling a wide variety of business disputes. Justice Curran is admitted to practice law in the States of New York and Florida and was admitted to practice before a number of federal courts. Justice Curran also served as Orchard Park Town Justice from 1996 until 2004. Since 2013, Justice Curran has been a member of the Committee on Pattern Jury Instructions for the Association of Justices of the Supreme Court of the State of New York. He also is the primary draftsman of the Bench Book for NYS Judges Pertaining to the Discovery of Electronically Stored Information.

Justice Curran graduated (*magna cum laude*) from the University of Dayton in 1981 and from the State University at Buffalo School of Law in 1984 where he won moot court and trial technique awards. Justice Curran also is a past president of the Supreme Court Justices Association for the 8th Judicial District, past president of the University at Buffalo School of Law Alumni Association, past president of the Canisius High School Alumni Association and past president of the Nativity of Our Lord School Board. He served as Orchard Park Village Trustee from 1991 to

1993, as Vice President and Director of the Orchard Park Chamber of Commerce and has been a volunteer for many community organizations. He was named an Outstanding Citizen for 2008 by The Buffalo News for his role in mediating local hospital consolidations. He also is the recipient of the Distinguished Alumni Award from the State University of New York at Buffalo School of Law.

Wendy Butler Curtis (Chapter 78, *Litigation Technology*) is the Chief Innovation Officer at Orrick. Orrick has been ranked a top 20 law firm for innovation for 20 consecutive years by the Financial Times, which also named Wendy the Most Innovative Lawyer in 2018 and one of the Top 20 Innovators over the past 20 years in 2025. She is also recognized by Chambers as a leading individual, nationally, in eDiscovery. She has been recognized as a Fastcase 50 Honoree (2023) and Top 100 Women Leader in the Law (2021).

Margaret A. Dale (Chapter 51, *Privileges*), Partner at Proskauer Rose LLP, is a seasoned trial lawyer and first-chair litigator handling complex business disputes across a wide variety of industries.

She previously served as Vice-Chair of the Litigation Department and currently serves as the Global Co-Chair of Commercial Litigation at the firm. Among other awards and recognition, since 2017, Ms. Dale has been recognized in Benchmark Litigation's *Top 250 Women in Litigation*. While her practice covers the spectrum of commercial disputes, Ms. Dale regularly handles matters involving restructuring and bankruptcy, securities, corporate governance, and asset management.

Ms. Dale is a frequent writer, including authoring the chapter titled "Privileges" in the treatise *Commercial Litigation in New York State Courts (Haig, 5th ed.)*, the chapter titled "Data Breach Litigation" in PLI's *Proskauer on Privacy*, and the chapter titled "Perfecting the Appeal" in PLI's *Principles of Appellate Litigation*. She also serves as the lead editor of Proskauer's blog on commercial litigation, *Minding Your Business Litigation.*

Ms. Dale maintains an active pro bono practice advocating on issues relating to reproductive rights, women, children, and veterans. She serves on the Board of Directors of CFR (Center for Family Representation), VLA (Volunteer Lawyers for the Arts), and the City Bar Fund.

Lawrence A. Dany, III (Chapter 154, *Project Finance and Infrastructure*), a partner with Jones Day, resolves complex disputes and achieves successful outcomes in litigation and arbitration for construction and engineering companies on commercial, power, energy, and infrastructure projects. He is a member of the American Arbitration Association (AAA) Roster of Construction Arbitrators.

For over 20 years, Mr. Dany has represented oil super-majors, owners and developers, and contractors in disputes involving power and petrochemical plants, solar farms, battery energy storage systems, mining, water and wastewater treatment plants, rail, high-rise commercial buildings, health care and senior living care facilities, hotels, oil and gas storage facilities and pipelines, and manufacturing plants. He provides creative solutions to client's business and legal challenges through project advisory and dispute avoidance and achieves successful project outcomes through contract negotiation and drafting design-build and engineering, procurement, and construction (EPC) agreements.

Prior to joining Jones Day, Mr. Dany successfully represented a leading electrical contractor in multiple disputes with the New York City Department of Environmental Protection over work performed at a 290-mgd water filtration supplying up to 30% of New York City's drinking water supply and upgrades to three separate waste recovery plants; won an argument before the Appellate Division for the New York Supreme Court to vacate a multimillion judgment against an engineering, design, and manufacturing company by one of the world's largest real estate developers; resolved a multimillion dispute between an oil supermajor and an EPC contractor concerning delayed delivery of the critical riser pull-in system for an ultra-deepwater floating platform in the Gulf of Mexico; and won a two-week jury trial for damages on behalf of an engineering, design, and manufacturing company in litigation against the company's former president.

Justin J. DeCamp (Chapter 93, *Bank Litigation*) is a partner in Sullivan & Cromwell's Litigation Group. He maintains a wide-ranging practice with a significant focus on finance, bankruptcy, and restructuring-related matters. He has represented financial industry and corporate clients in a broad range of high-stakes litigation in federal district, appellate, bankruptcy, and state courts, including in debtor-creditor, contractual, merger, employment, and other complex business and financial disputes, mass tort litigation, securities litigation, and avoidance actions, as well as in numerous regulatory and enforcement proceedings and arbitrations.

Marc De Leeuw (Chapter 29, *Depositions,* and Chapter 36, *Declaratory Judgments*) is a litigation partner at Sullivan & Cromwell LLP. His diverse litigation practice includes representing clients in intellectual property, securities, antitrust, real estate, contract, bankruptcy, and many other commercial matters. He has appeared before numerous arbitration tribunals, the International Trade Commission, New York and New Jersey state trial and appellate courts, federal district courts and Courts of Appeals and the U.S. Supreme Court. He has represented clients in trials and arbitration hearings in intellectual property, antitrust, financial institution, tort, contract, and insurance

cases.

Mr. De Leeuw has been recognized many times by *New York Super Lawyers, The Legal 500*, and *Benchmark Litigation*. He was named by *The National Law Journal* for his successful representation of Microsoft in the *Bristol v. Microsoft* trial and in multiple *AmLaw Litigation Daily* "Litigator of the Week" columns.

Mr. De Leeuw has been a speaker at various professional associations and a member of the New York City Bar Association Judiciary Committee.

Mr. De Leeuw received a B.S. in Chemical Engineering from the University of Rochester in 1989 and a J.D. from Columbia Law School in 1992 as a Harlan Fiske Stone and James Kent Scholar.

Karin A. DeMasi (Chapter 102, *Agency*) is Managing Partner of Cravath, Swaine & Moore LLP's Litigation Department. She focuses her practice on complex litigation, including class actions, in the areas of antitrust, securities, derivative, ERISA and general commercial disputes.

Although many of her cases have been successfully resolved for her clients on pre-trial motions, Ms. DeMasi's experience also includes numerous jury and bench trials, as well as domestic and international arbitrations. She has represented a wide range of companies, including boards of directors and individuals, across industries.

Ms. DeMasi has been praised by *Chambers USA* as "a very talented and skilled defense attorney" who is "creative and organized" and "will know every fact on her client's behalf." *Lawdragon* has named Ms. DeMasi a nationwide "Legend" and has featured her in many of its leading lawyer guides, including "500 Leading Global Litigators" and "500 Leading Global Antitrust & Competition Lawyers." She has been named to *Benchmark Litigation*'s "Top 250 Women in Litigation" list for the past eight years, and included in *Crain's New York Business*'s "Notable Women in Law" list. Ms. DeMasi has been recognized by *Chambers USA* for securities litigation and *The Legal 500 US* for antitrust, media and entertainment and securities litigation, for which she was named to *The Legal 500* Hall of Fame.

Ms. DeMasi was elected in 2013 to serve as a member of The American Law Institute. She is also a member of the American Bar Association and the New York City Bar Association.

Ms. DeMasi received a B.S. from Northwestern University in 1993, and a J.D. from the University of Pennsylvania in 1996, where she was Editor of the *University of Pennsylvania Law Review*. In 1996, she served as a law clerk to Hon. D. Brock Hornby of the U.S. District Court for the District of Maine.

Blake Denton (Chapter 45, *Trial Preliminaries and the Opening Statement*) is a partner in Latham & Watkins LLP's

New York office, where he is a member of the Securities and M&A Litigation practice. Mr. Denton is a leading commercial lawyer who has litigated billions of dollars worth of claims at trial, including in bet-the-company lawsuits over M&A deals, corporate restructurings, and other complex commercial matters. Mr. Denton regularly appears in the state and federal courts of New York, and his practice has been recognized by *Super Lawyers* and *Lawdragon*. He has served in a variety of firm leadership roles at Latham & Watkins, including presently serving on the Client Intake Committee. Mr. Denton received his B.A. with *highest honors* from Rutgers University, and his J.D. *summa cum laude* from Brooklyn Law School. Mr. Denton clerked for Hon. Phyllis A. Kravitch, U.S. Court of Appeals for the Eleventh Circuit, before joining Latham & Watkins in 2009.

Brenna DeVaney (Chapter 84, *Pro Bono*) leads Skadden's global pro bono practice and is responsible for the firm's relationships with legal services organizations and nonprofits. Her own practice focuses on representing low-income individuals, including women in family law matters who have been the victims of domestic violence. She enjoys helping in-house legal departments and companies with developing their pro bono and professional skills-based volunteering programs. Ms. DeVaney serves as founding Co-President of the Law Firm Antiracism Alliance. She also works as an adjunct professor at the University of Michigan Law School and Northwestern Pritzker School of Law. She is a frequent lecturer and presenter at both national and international convenings focused on access to justice.

Joseph A. DiBenedetto (Chapter 17, *Joinder, Consolidation, and Severance*) is presently conducting mediations and arbitrations at JDB Mediation LLC. He spent 46 years practicing law at Winston & Strawn LLP, and its predecessor firm, Cole & Deitz, in New York City. His practice concentrated on federal and state litigation, including bank, securities, environmental, product liability, municipal, and fidelity and surety bond matters. Mr. DiBenedetto received a B.A., with honors, from St. John's University in 1967 and a J.D. from St. John's University School of Law in 1970, where he was managing editor of the St. John's Law Review.

Brett Dockwell (Chapter 150, *Valuation of Real Property*) is a Partner in the Litigation Department of Haynes and Boone, LLP and a member of the firm's Real Estate Practice Group. His practice focuses on commercial disputes involving real estate and financing, especially property-valuation disputes and rent-reset determinations. He has handled valuation matters involving all types of property, including condo and co-op apartment buildings, hotels, development sites, office buildings and retail space. He is a member of the Counselors of Real Estate and an Affiliate

Member of the Appraisal Institute. He graduated from Lafayette College (A.B.), the London School of Economics and Political Science (M.Sc.) and the Georgetown University Law Center (J.D.). Before his legal career, Dockwell held non-legal positions at the World Bank and Federal Reserve Board in Washington, D.C.

Amanda L. Dollinger (Chapter 120, *Corporate Sustainability and ESG*) is a partner in the New York office of Jones Day, where she focuses her practice on the representation of financial institutions and other companies in high-stakes litigation, government investigations, and state and federal enforcement actions, with a particular emphasis on matters arising from environmental, social, and governance (ESG) issues. She regularly represents financial institution clients in connection with ESG-related investigations and enforcement proceedings, as well as matters involving diversity, equity, and inclusion (DEI) inquiries, antitrust allegations, and fair access to banking. Ms. Dollinger counsels clients through all phases of state and federal investigations, from initial inquiries and subpoenas to multistate coordination and resolution, and advises executive leadership and legal and compliance teams on evolving enforcement priorities and risk management. She also has significant experience in commercial litigation and structured finance disputes, including matters relating to residential mortgage-backed securities (RMBS), collateralized debt obligations (CDOs), and other securitizations. Ms. Dollinger has been recognized by The Legal 500 as a "Leading Associate" in financial services litigation (2025) and as a "Rising Star" (2023, 2024). She received her J.D. from New York University School of Law in 2015 and her A.B. from Washington University in St. Louis in 2012.

Ariele R. Doolittle (Chapter 148, *Tax*) is a partner in Hodgson Russ LLP's State & Local Tax practice group. Ms. Doolittle focuses her practice on state and local tax controversies, with an emphasis on New York State tax litigation.

Charles E. "Trip" Dorkey, III (Chapter 43, *Motions in Limine*) is a partner with Dentons. Mr. Dorkey is a graduate of Dartmouth College and University of Pennsylvania Law School, and is admitted to the bars of the District of Columbia, New York, and Pennsylvania.

Mr. Dorkey has a wide range of business litigation experience and has appeared regularly in federal and state courts in New York and the United States. He has served as lead counsel in significant cases involving securities, reinsurance, construction, real estate, employment, and various commercial and other business disputes, often in the context of mergers and acquisitions. Mr. Dorkey has been a committee and council member of numerous judicial selection and other legal associations, and serves and has served on several public trusts and associations, including the St.

Lawrence Seaway Development Corporation, Hudson River Park Trust (Chair), Empire State Development Corporation (Deputy Chair), New York City Municipal Water Finance Authority, The New York Historical Society (Trustee), Historic Hudson Valley (Trustee), New York State Interest on Lawyer Account Fund (Trustee), New York Parks and Conservation Association, and National Chamber Foundation/U.S. Chamber of Commerce. He is listed in Who's Who in America.

Levi Downing (Chapter 76, *Litigation Management by Law Firms*) is a partner at Kelley Drye & Warren LLP. Mr. Downing's clients benefit not only from his well-honed advocacy skills and courtroom success as a litigator but also from his candid, concise counseling style that keeps them fully apprised about the law, their options, and the status of matters without burdening them with superfluous information or detail.

Mr. Downing focuses his practice on complex commercial litigation matters, including trademark, trade dress, copyright, false advertising, unfair competition, defamation, breach of contract, fraud, bankruptcy, and employment-related cases.?He also has extensive experience in international arbitration, including disputes involving bilateral investment treaty protections and the enforcement of arbitration awards and foreign judgments in the United States. Efficient, practical, and versatile, Mr. Downing also leverages his subject matter knowledge and effective advocacy to protect clients' interests in pre-suit investigations and legal proceedings brought by the Federal Trade Commission concerning alleged Federal Trade Commission Act violations.

Among his many engagements, Mr. Downing was part of a team that defended a major infant products company against a putative class action, securing the complete dismissal of all claims on summary judgment. Additionally, he helped obtain a multimillion-dollar arbitration award for a major construction company on its claims against a sovereign.

Joseph M. Drayton (Chapter 52, *Final Arguments in Jury and Bench Trials*) is a commercial and intellectual property litigator at Proskauer Rose LLP and has practiced in New York for approximately 30 years. He has served on the NYSBA House of Delegates and as the 76th President of the National Bar Association, President of the Metropolitan Black Bar Association, and Board Chair of the New York City Bar Association.

Mr. Drayton has written and spoken extensively on trial practice. He received his B.S. in Electrical Engineering from the University of Maryland, College Park, and his J.D. from the University of Pennsylvania Law School.

The Honorable Timothy S. Driscoll (Chapter 34, *Motion Practice*) has been a Justice of the Supreme Court of the State of New York since 2008. Judge Driscoll serves in the Nassau County

Commercial Division, and he is also the Presiding Justice of the Appellate Term for the 9th and 10th Judicial Districts. He is also the co-chair 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. He also serves on the Second Department Task Force on Artificial Intelligence, and the Pattern Jury Instructions drafting committee.

In addition to his judicial responsibilities, Judge Driscoll has been an adjunct professor at Brooklyn Law School since 1998, and a teaching team member at the Harvard Law School's Trial Advocacy Workshop since 2003. He is also an adjunct associate professor at Nassau Community College, where he was among the first group of the College's faculty to receive the New York State Education Chancellor's Award for Excellence in Adjunct Teaching.

Prior to taking the bench in January 2008, Judge Driscoll 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, and an Assistant District Attorney in Nassau County from September 1996 through November 2000.

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 a Past President of the Irish Americans in Government of Nassau County, a Past President of the Catholic Lawyers Guild of Nassau County, and a Past President of the Locust Valley Bayville Soccer Club.

Alexander C. Drylewski (Chapter 62, *Fees, Costs, and Disbursements*) is a partner at Skadden, where he focuses on securities and complex commercial litigation in state and federal courts throughout the country. He represents companies, financial institutions and individuals across a wide range of industries in a variety of disputes, including all facets of commercial litigation,

securities class actions, and federal and state appeals. Mr. Drylewski is a graduate of Colgate University and Brooklyn Law School. He clerked for The Honorable Edward Korman of the U.S. District Court for the Eastern District of New York. He is a member of the board of trustees of the Historical Society of the New York Courts.

Josh Dubin (Chapter 42, *Jury Selection*) is the Founder of DRC, a Manhattan-based consulting firm that specializes in jury selection, persuasive visual aids, and trial strategy for complex civil and criminal matters. Mr. Dubin is regarded as perhaps the most preeminent trial strategy and jury consultant in the nation, having earned high praise from some of the most accomplished members of both the civil and criminal bars. Mr. Dubin is an experienced trial attorney with an apprenticeship in applied social psychology (with a concentration in jury selection and group decision-making dynamics). Over the past 25 years, Mr. Dubin has assisted with jury selection, witness preparation, and trial strategy in a wide range of high-profile civil and criminal cases across the country. He co-authored the book, The Law of Juries, published by Thomson Reuters, with former United States Federal Judge Nancy Gertner. Mr. Dubin is also the Executive Director of the Perlmutter Center for Legal Justice at Cardozo Law, which works to free the wrongfully incarcerated and individuals serving unjust sentences.

James C. Dugan (Chapter 110, *Private Equity*) is a litigation partner at Willkie Farr & Gallagher LLP, focusing on complex commercial litigation with an emphasis on litigation affecting private equity firms and portfolio companies. He has more than 30 years of experience representing private equity firms, hedge funds, C-level executives, insurance companies, and financial services firms in securities class actions, contract disputes, bankruptcy litigation, and restrictive covenant and competition litigation. He has lectured and published widely on commercial litigation topics, including non-compete covenants. Mr. Dugan began his legal career as a judicial law clerk for the Honorable Charles H. Tenny, Senior United States District Judge for the Southern District of New York. He received a J.D. cum laude from Cornell Law School, where he served as an Articles Editor for the Cornell Law Review. He also received a BA with high distinction and with Honors in English from the Pennsylvania State University.

J. Wesley Earnhardt (Chapter 10, *Removal to Federal Court*) is a partner in Cravath, Swaine & Moore LLP's Litigation Department. He is a first-chair trial and appellate lawyer with significant experience in antitrust, general commercial, intellectual property, securities and financial restructuring and reorganization matters.

Named a "Litigation Trailblazer" by *The National Law Journal* and a "Litigation Star" by *Benchmark Litigation*, Mr. Earnhardt regularly represents clients in their most business-?critical disputes. He has tried numerous cases in jurisdictions nationwide on a wide range of issues, and has extensive arbitration experience both domestically and internationally. Mr. Earnhardt has led appeals in the U.S. Supreme Court; the U.S. Courts of Appeal for the Second, Third, Sixth, Ninth and Federal Circuits; as well as several state appellate courts, including the Supreme Courts of Delaware, Kentucky and South Carolina.

He has been recognized by numerous leading professional publications, including consistent recommendations by *The Legal 500 US* for his work in appellate, general commercial, media and entertainment, patent and securities litigation. *Lawdragon* has featured him in several of its guides, including "500 Leading Litigators in America," "500 Leading Global Entertainment, Sports & Media Lawyers," "500 Global Antitrust & Competition Lawyers" and "500 Leading Global IP Lawyers." Mr. Earnhardt was honored as a "Media and Entertainment MVP" by *Law360*, has been repeatedly selected to serve as a member of *Law360*'s Media & Entertainment Editorial Advisory Board, and is ranked by *Chambers USA* for media and entertainment litigation. He and his colleagues have earned the Firm distinction as a *Law360* "Media and Entertainment Practice Group of the Year." Mr. Earnhardt was recently named by the *Sports Business Journal* as a "Power Player" in Sports Law.

Mr. Earnhardt received a B.A. in Economics with distinction from the University of North Carolina at Chapel Hill in 2000, where he was elected to *Phi Beta Kappa*, and a J.D. with high honors from the University of North Carolina School of Law in 2004, where he was an Articles Editor of the Law Review.

Richard A. Edlin (Chapter 42, *Jury Selection*, and Chapter 47, *Cross Examination*) is Vice Chairman of Greenberg Traurig, LLP, and the Chair of the firm's litigation department in New York. He has been recognized as a leading litigator by numerous publications, including the National Law Journal, The American Lawyer, Law360, The Legal 500, Lawdragon, Chambers & Partners, Best Lawyers in America, Martindale-Hubbell and Super Lawyers. He is a Fellow of the American College of Trial Lawyers, a Life Fellow of the American Bar Foundation, and the recipient of the John J. McCloy Award from the Fund for Modern Courts. Mr. Edlin received his B.A. degree from Tufts University, *magna cum laude*, was a varsity athlete and the winner of the New Jersey Rhodes Scholarship competition. He received his law degree from Columbia University School of Law, where he was a Harlan Fiske Stone Scholar and the Notes Editor of the Columbia Journal of Environmental Law. Following his graduation, Mr.

Edlin served as a law clerk to the Hon. Lee P. Gagliardi of the United States District Court for the Southern District of New York. Mr. Edlin is a member of the Board of Trustees of the Urban Justice Center, a member of the Board of Directors for Judges and Lawyers Breast Cancer Alert (JALBCA), Dinner Co-Chair for the Historical Society of the New York Courts, a trustee of the Carnegie Council for Ethics in International Affairs, a member of the Board of Governors of Tel Aviv University, a trustee of New Jersey SEEDS, along with numerous other professional and community activities.

The Honorable Cenceria P. Edwards (Chapter 110, *Private Equity*) is a Justice of the New York State Supreme Court, Appellate Division, Second Judicial Department, presiding in the Commercial Division Part, Brooklyn, New York. Previously, she served as the presiding justice in the Foreclosure Part. She was elected judge of the New York City Civil Court, Kings County, in November 2014 and served her first two years in criminal court. She is highly regarded for her clear decisions detailed in law and even-handed temperament. In recognizing her scholarly opinions, *The Fordham Law Archive of Scholarship & History* archived Justice Edwards' decision, *Bauer v. Gerber*. Justice Edwards is committed to the rule of law and its foundational teachings; as such, she lectures at the NYS Judicial Institute and serves on international and national legal panels. Justice Cenceria P. Edwards possesses a unique blend of legal and financial expertise. She has the distinct privilege of holding two accomplished professional licenses in New York State; in addition to her law license, she is a Certified Public Accountant and the most prominent judge in New York City with those dual academic professional certifications. Justice Cenceria P. Edwards is co-author of the Private Equity Chapter, *Commercial Litigation in New York State Courts*, Thomson Reuters, Sixth Edition and a distinguished Lexis Practical Guidance author in pretrial civil procedure topics-motion practice. She is the author of "*A View from the New York City Civil Court Bench: Vacating Default Judgments—The Self-Represented Litigant*"; author of the article, "*New York State Court Procedural Processes to Vacate A Default—The Self-Represented Litigant*" and co-author of the article, "*Consumer Credit Fairness Act-S153 (2021), Impact on the New York State Judiciary*". She also authored "*The Judicial Council of the National Bar Association 50th Anniversary Commemorative Journal*" and served as Editor in Chief of the *National Bar Association Centennial Newsletters & Journal, 2024–2025*.

In recognizing her commitment to the rule of law and her leadership roles in various bar associations, NYS Chief Judge Wilson appointed Justice Cenceria P. Edwards to the NYS Commercial Division Advisory Board, 2026. She also serves as Co-

Chair of the NYS Bar Association Committee on Digital Assets and Currency. She served as president of the Brooklyn Women's Bar Association (2024-2025). She is past Chair of The Judicial Council of the National Bar Association, the largest organization of African American judges and attorneys worldwide (2020–2021). She received a presidential appointment—National Bar Association Centennial Commissioner, 2025. In 2022, she received a presidential appointment to the New York State Bar Association's Access to Justice Committee. She is a Fellow of the American Bar Foundation.

Prior to her judicial career, she managed the Law Firm of Cenceria Edwards, PLLC, which focused on complex litigation and transactional matters for real property. As a trial attorney, she argued cases before the New York State Supreme Civil and Appellate Courts. Justice Edwards is well versed in business and transactional matters for Fortune 500 companies. In her career as a corporate tax lawyer, she advised Fortune 500 companies regarding the structure of acquisitions, mergers, and dispositions of assets for compliance with federal, state, and local tax laws.

Justice Cenceria P. Edwards earned her Master of Laws from Duke University School of Law. She holds a Juris Doctor from New York Law School and funds an annual scholarship for its law students. She earned her Bachelor of Business Administration in Accounting from Bernard M. Baruch College, City University of New York from its nationally ranked Zicklin School of Business.

Justice Cenceria P. Edwards is deeply committed to supporting children with special needs and works to ensure spectrum children thrive. She further serves the special needs community to raise awareness of the unique challenges that shape their everyday lives. She has received numerous awards and recognition for her commitment to community and the law, her national leadership and civic engagement.

The Honorable Elizabeth Hazlitt Emerson (Chapter 101, *Secured Transactions*) is currently Of Counsel at the law firm of Ruskin Moscou Faltischek, P.C. She is a member of the American Arbitration Association's Commercial Arbitration and Mediation panels and a panelist with Fed Arb, an international ADR provider. Justice Emerson served as an Associate Justice of the Appellate Term of the Supreme Court for the 9th and 10th Judicial Districts for 4 years and a Justice of the Supreme Court of the State of New York for the 10th Judicial District for 28 years. In 2002 she was designated as the first Commercial Division Judge in Suffolk County and she served in that capacity for 21 years until her retirement at the end of 2023. Since coming to the bench in 1996, she has handled a variety of complex commercial litigation, and she has written and lectured on a variety

of topics related thereto. She is currently a member of the Commercial Division Advisory Council. In 2012, she was a member of the Chief Judge's Task Force on Commercial Litigation in the 21st Century. Justice Emerson also serves as the co-chair of the Suffolk County Bar Association's Commercial Division Committee. Prior to serving in the Commercial Division, Justice Emerson handled a general civil calendar and served for two years in a dedicated Matrimonial Part.

Before becoming a Justice of the Supreme Court, Justice Emerson was a partner of Shearman & Sterling (now A&O Shearman), a leading international law firm. While a partner of Shearman & Sterling, Justice Emerson handled a wide range of complex domestic and international transactions. Her clients included some of the world's leading commercial banks, investment banks, and corporations. Justice Emerson handled a large variety of commercial matters, including acquisition financings, country debt restructurings, domestic restructurings, leveraged buyouts, project financings, and public offerings. Before Shearman & Sterling, Justice Emerson was an associate with White & Case, another leading international law firm. At White & Case, Justice Emerson handled a variety of complex matters, including securities litigation, general commercial litigation, and bankruptcy. Justice Emerson also served as an adjunct professor at The State University of New York at Stony Brook in the Masters of Business Administration Program. Justice Emerson received her Juris Doctor, *magna cum laude*, from Syracuse University College of Law. Justice Emerson is a *magna cum laude* graduate of Boston College.

William A. Escobar (Chapter 122, *Health Care Institutions*) is a Partner at Kelley Drye & Warren LLP. For over 30 years, Mr. Escobar has been a trial and appellate counsel guiding clients through major litigations in federal and state courts around the country. He has extensive experience litigating and trying cases for pharmaceutical companies, financial services firms, high tech, and industrial companies in a variety of areas including fraud, finance, RICO, lender liability, reinsurance, patent, technology licensing, federal and state False Claims Acts, consumer cases, and a variety of complex contractual disputes. Mr. Escobar is also a past Chair of the Firm's Litigation Practice Group.

Mr. Escobar also has extensive experience as both a mediator for the United States District Court in the Southern District of New York and in representing clients in mediations and arbitrations. He has also served as an arbitrator for the International Chamber of Commerce.

Mr. Escobar received his J.D. from Columbia University Law School in 1981 where he was a Harlan Fiske Stone Scholar and his undergraduate degree from Columbia College in 1977.

The Honorable Eugene M. Fahey (Chapter 97, *Contracts for Services*), Associate Judge of the Court of Appeals (Retired), was born in Buffalo, New York, in September 1951. He attended high school at St. Joseph's Collegiate Institute. Later, he graduated from the State University of New York with a B.A. in political science in 1974 (*cum laude*), a law degree in 1984 and an M.A. in European History in 1998. Judge Fahey served on the Buffalo Common Council from 1978 to 1983 and again from 1988 to 1994. He served as Law Clerk to Judge Edgar C. NeMoyer in the New York Court of Claims before entering private practice in 1985, serving as house counsel for Kemper Insurance Company until 1993. Judge Fahey was elected to Buffalo City Court in 1994.

He was elected to the Supreme Court in 1996 and was re-elected in 2010. As a Supreme Court Justice, Judge Fahey was assigned to handle a civil calendar as well as criminal Special Term and presided over a variety of cases in Erie County as well as the outlying counties in the Eighth Judicial District. He was assigned to the Commercial Division in Erie County in January 2005 until his appointment by Governor George E. Pataki to the Appellate Division, Fourth Department in December 2006. In January 2015, Judge Fahey was nominated to the Court of Appeals by Governor Andrew Cuomo. The New York State Senate unanimously confirmed that nomination on February 9, 2015. He and his wife, Colleen Maroney Fahey, live in Buffalo, New York. They have one daughter, Ann Fahey Shepherd.

Seth Farber (Chapter 17, *Joinder, Consolidation, and Severance*) is a partner in the White Collar and Investigations Practice Group at Haynes Boone's New York office. As a former federal prosecutor for the Southern District of New York, Seth focuses his practice on white collar criminal defense, corporate internal investigations, and related civil litigation. He also represents clients in SEC and CFTC enforcement investigations, matters before state attorneys general, securities litigation, civil RICO litigation, corporate governance litigation, and antitrust litigation.

Jeremy R. Feinberg (Chapter 86, *Civility)* is a Special Referee in New York County Supreme Court. He is regularly assigned references to hold hearings and settlement conferences on matters from Justices of the Commercial Division, New York County, including those relating to personal jurisdiction, damages, attorneys' fees, and appropriate sanctions. He also receives references from other Justices of the Supreme Court, ranging from matrimonial matters to Article 78 proceedings. Before becoming a Special Referee in May 2013, he served on the staff of the Chief Administrative Judge at the Office of Court Administration. He is a graduate of Columbia College and Columbia Law School. He has previously clerked for the Hon. Judith

S. Kaye, Chief Judge of New York State from 1996–1998, and he was associated with the Proskauer law firm in New York City from 1995–1996 and 1999–2006.

Evan S. Fensterstock (Chapter 7, *The Complaint*) is a New York City trial lawyer, litigator, mediator, and founder of the complex commercial and employment litigation law firm, Fensterstock, P.C. Mr. Fensterstock focuses his practice on all aspects of complex commercial and employment litigation and arbitration in state, federal, and bankruptcy courts from pre-complaint analysis through trial and post-trial appeals. Mr. Fensterstock provides employment advice to executives and companies, negotiates compensation packages and separation agreements, and consults on restrictive covenants and employment transitions. Mr. Fensterstock is also a mediator. He serves on the New York roster of mediators in the prestigious New York County Commercial Division and on the New Jersey roster of mediators for Civil, General Equity, and Probate Cases.

As lead litigation counsel from 2015-2019 on a case involving breaches of representation and warranties contained in a stock purchase agreement, the valuation and efficacy of technology systems, the interpretation of master services agreements and indemnification provisions, and the acquisition of an insurance company for over sixty-three-million dollars ($63,000,000), Mr. Fensterstock won a nearly five-million-dollar ($5,000,000.00) judgment for the buyers, including attorneys' fees, after a four-day bench trial before the Honorable Barry R. Ostrager in the Commercial Division of the Supreme Court of the State of New York. Mr. Fensterstock has also assisted counsel in Spain to enforce a nearly six-million-dollar ($6,000,000.00) judgment secured against the defendant in the United States District Court for the Southern District of New York.

After being named a New York Metro Area Super Lawyers Rising Star in Business Litigation for ten consecutive years, Mr. Fensterstock was recently named a Super Lawyer in Business Litigation in New York in his first year eligible. He has represented companies and individuals on both the plaintiff and the defense side in a wide range of industries including insurance, employment, technology, recruiting, financial services, investment management, securities, consumer products, beverage, beauty and personal care, banking, pharmaceutical, real estate, advertising and marketing, fashion, consulting, healthcare, entertainment, media, hospitality, and gaming. Mr. Fensterstock has also conducted internal investigations of individuals and companies and prepared presentations to the Securities and Exchange Commission. He is admitted to practice in New York, New Jersey, Connecticut, and Massachusetts state courts, as well as in the Southern, Eastern, and Western District Courts of New York, the District Court of New Jersey, and in the Second Circuit

Court of Appeals.

Mr. Fensterstock is also highly dedicated to pro bono work, and currently assists veterans in obtaining benefits arising out of injuries sustained from their service time at Camp Lejeune. In 2013, he received the Legal Aid Society Pro Bono Publico Award for his service to Hurricane Sandy victims. Mr. Fensterstock spearheaded the Holocaust Survivor Representation Pro-Bono Project at a prior law firm, which helped Holocaust survivors recoup pensions and payments from the German government for work performed in ghettos during World War II.

Prior to founding Fensterstock, P.C. in 2018, Mr. Fensterstock was a Partner at Fensterstock & Partners LLP from 2015-2017 where, in addition to zealously representing his clients, he helped his father, Blair C. Fensterstock (1950–2017), a Columbia Law School graduate, Harlan Fiske Stone Scholar, and *Top 100 Business Litigator*, live out his final days of pancreatic cancer with dignity. From 2009–2015, he was an Associate on the partner track at Kasowitz, Benson, Torres & Friedman LLP. He served as Executive Literary Editor of the *New England Law Review* at New England Law | Boston, where he graduated from law school *cum laude* in 2009 and received the Cali Excellence for the Future Award in Business Transactions for Lawyers. While in attendance, he interned for the Honorable Raya S. Dreben in the Massachusetts Appeals Court, the Honorable Charles T. Spurlock in Suffolk Superior Court, and the Legal Division of the Massachusetts Department of Correction in Boston, Massachusetts. In 2007, he was elected Vice Magister of the Bradlee Inn Chapter of the International Legal Honor Society Phi Delta Phi, and in 2008 he received the Phi Delta Phi Balfour Scholarship for outstanding service to Bradlee Inn. Mr. Fensterstock earned a Bachelor of Arts degree from Bowdoin College in 2006 where he double majored in Government and Spanish, played varsity golf and squash, and served as Class President.

Laurel S. Fensterstock (Chapter 7, *The Complaint*) is a Lead Attorney in AT&T's Center of Expertise, LegalEdge. Ms. Fensterstock has been consistently recognized as a "Rising Star" by New York Metro Super Lawyers, and previously served as Director (2017–2020, 2024–2025) and Treasurer (2020–2024) of the Columbia Law School Association, and Executive Vice President, Secretary and Treasurer of the New York American Inn of Court (2016–2021).

Prior to joining AT&T, Ms. Fensterstock was an attorney in the U.S. Securities and Exchange Commission's Division of Enforcement, where she investigated and litigated violations of the federal securities laws. Before joining the SEC, Ms. Fensterstock was a Principal Counsel in FINRA's Department of Enforcement, where she investigated and litigated potential violations of

the federal securities laws, FINRA rules, and rules of various exchanges. Prior to joining FINRA, Ms. Fensterstock was a Senior Associate in Vinson & Elkins LLP's New York office, where her practice focused on a wide range of civil litigation matters, including commercial contract disputes, securities litigation, intellectual property litigation, and bankruptcy litigation, as well as white collar matters, including internal, regulatory and government investigations. Ms. Fensterstock received her B.A. in 2009 from the University of Vermont and her J.D. in 2012 from Columbia Law School.

David J. Fisher (Chapter 98, *Employment Restrictive Covenants and Other Post-Employment Restrictions*) is a partner at Davis+Gilbert LLP. He represents companies in all aspects of labor and employment law. Mr. Fisher advises clients with respect to a broad range of matters, including employment agreements, contract issues, terminations, reductions in force, wage and hour issues, sexual harassment investigations, and personnel policies. In addition, he represents employers in federal and state court actions and before administrative agencies related to breach of contract, breach of fiduciary duty, restrictive covenants, and employment discrimination. He can be reached at dfisher@dglaw.com.

Marshall H. Fishman (Chapter 116, *Derivatives*), is a Retired Partner of Goodwin Procter LLP and the practice head of the firm's New York Commercial and Financial Litigation group. He formerly served as a member of the firm's Executive Committee. For more than 30 years, global financial institutions have turned to Mr. Fishman for their complex multijurisdictional securities and commercial litigation matters. He has successfully tried numerous cases in courts and in arbitrations throughout the country and regularly represents the world's largest financial institutions in class actions and in cases involving derivatives and structured products.

Mr. Fishman has been recognized by *Chambers USA* as one of the leading securities litigators in the United States and he is also recognized in *Best Lawyers in America, Who's Who in American Law* and *Benchmark Litigation*. Mr. Fishman was educated at Georgetown University Law Center and at Syracuse University where he graduated *Phi Beta Kappa*.

Lara A. Flath (Chapter 84, *Pro Bono*) is a partner at Skadden in the Complex Litigation and Trials group. Ms. Flath's practice focuses on securities, antitrust and general commercial litigation in a variety of sectors, including Web3 and digital assets. In recognition of her work, Ms. Flath has been selected for inclusion in *Chambers USA*, as well as honored as one of *Crain's New York Business'* Notable Women in Law, one of *Lawdragon*'s 500 Leading Litigators in America and 500 Leading

Lawyers in America, a *Law360* Rising Star, one of *Business Insider's* Rising Stars of the Courtroom, and repeatedly as a Future Star by *Benchmark Litigation*. Ms. Flath maintains an active pro bono practice in state and federal court.

Douglas H. Flaum (Chapter 116, *Derivatives*), a partner in Goodwin's Complex Business Litigation and Dispute Resolution Department, head of Goodwin's national Real Estate Litigation practice, and a leading member of its Financial Services Litigation group, is a nationally recognized litigator of complex financial matters and trial lawyer. He has more than 35 years of experience litigating cases on behalf of domestic and foreign corporations, directors, and special board committees in a diverse range of commercial, securities, and real estate matters.

In particular, Mr. Flaum has extensive experience advising on and litigating highly complex matters in the real estate space on behalf of developers, lenders and REITs spanning the full scope of disputes. He also regularly advises on complex financial and business arrangement matters, including cases under the Securities Act of 1933 and the Securities Exchange Act of 1934, joint venture and partnership disputes, long-term supply arrangements, business tort and contract matters, issues of corporate governance, alleged breaches of fiduciary duties, contests for corporate control, and a variety of enforcement proceedings. He also regularly conducts internal investigations of whistleblower complaints in the real estate, technology, and cannabis sectors and advises corporations and their officers and directors in nonlitigation contexts.

Prior to joining Goodwin in 2019, Mr. Flaum was a partner at Paul Hastings LLP, where he co-chaired the Securities Litigation practice. He has also been a partner and litigation department vice chair at Fried Frank Harris Shriver & Jacobson LLP.

The Honorable Katherine B. Forrest (Fmr.) (Chapter 79, *Artificial Intelligence*) is a partner in the Litigation Department of Paul, Weiss, Rifkind, Wharton & Garrison LLP, and serves as Vice Chair of the firm and Co-Chair of the firm's Global Artificial Intelligence Group. The Artificial Intelligence Group provides litigation services as well as expert guidance to clients in anticipating regulatory developments, mitigating legal exposure, and implementing industry best practices in the AI space. Judge Forrest, who previously served as a U.S. District Judge for the Southern District of New York and as a Deputy Assistant Attorney General in the U.S. Department of Justice's Antitrust Division, regularly handles sensitive high technology investigations, litigation and advisory work in the areas of artificial intelligence, cryptocurrency and blockchain.

Judge Forrest is widely considered among the nation's foremost advisors on legal issues relating to technology, including

artificial intelligence, the digital environment, high-speed trading and content distribution, big data, and intellectual property. Judge Forrest has led sensitive, high-profile investigations involving the DOJ, FTC and other U.S. and foreign regulators, and complex, high-stakes litigation spanning numerous substantive areas including artificial intelligence, Web3 and digital assets.

A veteran trial attorney with more than 30 years of experience, she has led complex, high-stakes litigation spanning antitrust, copyright, patent, and media law, and regulatory and litigation matters at the intersection of technology and the law, including in relation to artificial intelligence, Web3 and digital assets. She has led numerous sensitive, high-profile investigations involving the DOJ, FTC and other U.S. and foreign regulators.

Judge Forrest has been recognized as a leading lawyer in technology and artificial intelligence by numerous industry publications. Most recently, Chambers USA 2025 ranked her Band 1 in artificial intelligence, Chambers Global 2025 named her a "Global Market Leader" in artificial intelligence, and Lawdragon included her among their 2025 "500 Leading Global Entertainment, Sports & Media Lawyers." The New York Law Journal announced that Judge Forrest was a 2023 individual Innovation Award winner for her work in AI, and the Financial Times shortlisted her as a 2023 Innovative Practitioner finalist. She has received Benchmark Litigation's Hall of Fame Award and has been named to the publication's "Top 100 Trial Lawyers in America" list and "Top 250 Women in Litigation" list. In 2023, she was recognized by The Best Lawyers in America as a leading lawyer in IP and Antitrust law, and in 2022 was named Best Lawyers' New York City "Lawyer of the Year" for Antitrust law. In 2019, she was included in Crain's New York Business's list of "Notable Women in Law." The American Lawyer recognized Judge Forrest as one of 10 district court judges to watch, and Law360 named her one of the 10 most influential recently appointed judges. She has also received additional recognitions from The American Lawyer, Chambers USA, Global Competition Review, IP Law & Business, Lawdragon and The Legal 500 US.

Judge Forrest also maintains an active pro bono practice, where she was recently recognized with the Jewish Children's Museum's Ari Halberstam Memorial Award. She was part of the team that brought the first lawsuit against the gun manufacturers that made the gun used in the 1994 attack on Brooklyn Bridge that killed 16-year old Ari Halberstam, to whom the museum is dedicated.

Judge Forrest is a co-host of the award-winning Paul, Weiss Waking Up With AI podcast, which delves into the latest AI developments, regulations and use cases. She has authored three

books on AI entitled When Machines Can Be Judge, Jury and Executioner: Justice in the Age of Artificial Intelligence, Is Justice Real When "Reality" is Not: The Construction of Ethical Systems in Virtual Worlds and the forthcoming Of Another Mind: Navigating a New Social Contract with Superintelligent AI. She has appeared on the PBS show, NOVA, on algorithmic bias and artificial intelligence; and she authored the "Artificial Intelligence" treatise chapters for Commercial Litigation in New York State Courts (Fifth Edition) and Business & Commercial Litigation in Federal Courts (Fifth Edition), as well as a chapter on emerging issues in copyright law and artificial intelligence in The Law of Artificial Intelligence and Smart Machines. She is also a regular technology columnist for the New York Law Journal, with a recent article "Cutting Through the Mess: What Does AI Really Mean for Lawyers?" and in 2020 earned a distinguished legal writing award from The Burton Awards for her article "The Holographic Judge."

As she is a frequent speaker, Judge Forrest has had numerous keynote addresses at events hosted by the American Bar Association, the New York City Bar Association, the Federal Bar Association, the National Judicial College, the New York State Judicial Institute, The Future Society and UNESCO, among others, on topics related to artificial intelligence and the metaverse. She was a panelist on "The Path Towards an Enforceable EU AI Act," at The Athens Roundtable on Artificial Intelligence and the Rule of Law and "Choosing Wisely: The Challenge of Interim Measures in International Arbitration," at New York Arbitration Week. She has spoken numerous times on behalf of the National Judicial College, given keynote speeches on these issues before all of the New York State judges and trained judges on these issues internationally, including "The Transforming Role of Judicial Operators in Upholding the Rule of Law in the Age of AI," at UNESCO and SMART Africa's Virtual Inter-regional Training Program. She has been an adjunct professor of law at NYU School of Law for eight years where she co-teaches a course on Quantitative Methods and the Law.

Judge Forrest is active in numerous charitable and professional organizations. Among others, she is a Fellow of the American Bar Foundation (ABF), a member of the ABA Taskforce on Law and Artificial Intelligence, co-chair of the New Jersey Court Systems AI Initiative and currently serves as vice chair of the board of trustees of Choate Rosemary Hall, a boarding school.

Kenneth Fowler (Chapter 32, *Requests for Admission*), a partner at King & Spalding LLP, is a business-oriented litigator who represents clients in M&A, contract, and securities disputes. Mr. Fowler advises clients in a variety of industries, including financial services, real estate, technology, telecommunications,

transportation, and healthcare. He has helped clients navigate deal litigation, private and SEC securities actions, disputes with joint venture partners, syndicated loan defaults, and other commercial contract disputes.

Mr. Fowler is active in the community and with pro bono work. Among other things, he served for three years as a member of Legal Services NYC's Pro Bono Associate Advisory Board, and he counseled a local nonprofit through incorporation and its first several years of existence.

Prior to law school, Mr. Fowler was an elementary school special education teacher. While an undergraduate at the University of Notre Dame, he interned as a sports reporter for the *Los Angeles Times* and as a news reporter for the *South Bend Tribune*. He graduated *magna cum laude* from Notre Dame with a B.A. in political science, and he graduated *magna cum laude* from Duke Law.

Jonathan L. Frank (Chapter 70, *International Arbitration*) is a retired partner in the Complex Litigation and Trials practice of Skadden, Arps, Slate, Meagher & Flom LLP. He joined the firm in 1999 after years as an Executive Assistant District Attorney, Special Prosecutor and Homicide Prosecutor in Brooklyn, N.Y. Mr. Frank achieved national recognition for his trial and appellate skills. At Skadden, Mr. Frank's practice focused on a variety of complex commercial disputes in international arbitration, commercial real estate, bankruptcy and securities litigation, with an emphasis on trial and courtroom advocacy and litigation strategy. In sum, Mr. Frank has conducted dozens of jury trials, briefed and argued dozens more appeals and has been profiled for his skills and persuasiveness in both capacities in the New York Law Journal.

Among other successes, Mr. Frank was a lead member of the winning trial teams in *Tracinda v. DaimlerChrysler*, a $1 billion securities fraud case, achieving the complete dismissal of all claims—the National Law Journal "2005 Defense Win of the Year"; Anglo Irish Bank, an international arbitration, in which the Bank, following months of extensive hearings and closing arguments, obtained an award granting its claim to remove the general partner and denying counterclaims seeking $75 million in damages, stemming from a real estate development the bank funded; and most recently, in defense of NextEra Energy, a bankruptcy trial and district court de novo affirmance of that decision rejecting all fraudulent conveyance claims brought by the Adelphia Recovery Trust against NextEra stemming from Adelphia's repurchase of $150 million of stock from NextEra. Mr. Frank also regularly writes and presents on numerous aspects of litigation and arbitration, including Electronic Discovery in International Arbitration in the ICDR Awards and Commentaries (2012) and the AAA Handbook on International Arbitration

Practice (2010).

The Honorable Helen E. Freedman (Chapter 18, *Coordination of Litigation Within New York and Between Federal and State Courts*) retired from the Bench in 2014 and is currently serving as a neutral with JAMS. She was appointed to the Appellate Division of the New York State Supreme Court in 2008, having served in the Supreme Court since 1984. She was designated Presiding Judge of the Litigation Coordinating Panel for multidistrict litigation in New York State in 2002 and served in that capacity until her retirement. As a Supreme Court Justice, she managed all New York State Rezulin, diet drug, breast implant, latex gloves, Serzone and PPA cases as well as the entire downstate asbestos litigation. She served on the Appellate Term of the Supreme Court from 1995-99 and was in the Commercial Division of the New York County Supreme Court for eight years.

Justice Freedman has served on the Pattern Jury Instructions Committee of the Association of Justices of the Supreme Court of the State of New York, as a member of the New York State and Federal Judicial Council Advisory Board and on the Board of Directors of the New York County Lawyers' Association. She taught Mass Torts at New York Law School and is the author of New York Objections, a book on trial practice and the making of objections, as well as of articles on the asbestos litigation, mass torts, medical malpractice, ADR, and small claims. She is a graduate of Smith College and of the New York University School of Law.

Brian M. French (Chapter 117, *Shareholder Derivative Actions*) is a partner at Cooley LLP, in the firm's New York office. Mr. French is a trial lawyer with extensive experience in federal and state courts across the country. He represents public and private companies, financial institutions, boards and executives in high-stakes securities, M&A, antitrust and other complex litigation. His matters range from multibillion-dollar class actions to bet-the-company commercial disputes, and he regularly advises boards and management on corporate governance, strategy and crisis management. In 2025, Financier Worldwide named Mr. French to its Power Players: Trial Lawyers list, which recognizes five leading trial lawyers in the US. He has guest lectured at Harvard Law School on M&A and Delaware litigation. Mr. French clerked for Chief Judge Mary Beck Briscoe of the United States Court of Appeals for the Tenth Circuit. He received his J.D., *magna cum laude*, from Georgetown University Law Center, where he was articles editor of the Georgetown Law Journal, and his B.A. from Columbia University.

Bryce L. Friedman (Chapter 91, *Reinsurance*) is Head of Simpson Thacher & Bartlett LLP's Insurance Litigation Practice and Co-Head of the Firm's Business Litigation Practice, where he

devotes a significant part of his practice to representing clients subject to allegations of fraud and False Claims Act violations and to counseling C-suite executives concerning strategic concerns, disputes and employee matters. Mr. Friedman has represented a wide variety of businesses in commercial and business tort disputes as both claimant and defendant. He has successfully litigated disputes to conclusion in state and federal courts and arbitral forums across the United States. Mr. Friedman also regularly represents clients in responding to whistleblowers' allegations of fraud, including False Claims Act violations. He assists clients with investigations of such allegations and litigates False Claims Act (FCA) claims when necessary. In 2025, Mr. Friedman was inducted as a Fellow into the American College of Trial Lawyers ("ACTL"). *The Legal 500 U.S.* recognizes Mr. Friedman in the "Hall of Fame" in Insurance and as a "Leading Lawyer" in General Commercial Disputes, and he is also recognized as a national "Litigation Star" by Euromoney's *Benchmark Litigation*.

Mr. Friedman received his B.A., *cum laude*, from Dartmouth College in 1994. He graduated from Columbia University School of Law in 1997, where he was a Harlan Fiske Stone Scholar. Prior to joining the Firm, he served as a law clerk for the late United States District Judge Shirley Wohl Kram in the Southern District of New York. He has served as a chair of Simpson Thacher's Legal Personnel and Pro Bono Committees. He is currently a member of the board of trustees of the off-Broadway theater company Playwrights Horizons.

Joseph N. Froehlich (Chapter 90, *Insurance*) is a partner of Troutman Pepper Locke LLP, where his practice focuses on complex commercial and business litigation, including the representation of financial institutions, insurance companies and transportation companies. Having practiced for almost 30 years, he has handled a wide variety of litigation ranging from indenture bond disputes, to trust and estate cases to employment disputes. He has recently defended multiple national banking and financial institutions, mortgage loan servicers and mortgage insurers in various class action and mass action consumer disputes, as well as defending clients on claims of traditional fraud and securities fraud. In addition, he advises and represents insurance and reinsurance clients on complex coverage cases. He is a member of the New York, New Jersey and North Carolina Bars and numerous federal district and appellate courts, including the United States Supreme Court. He graduated from the University of North Carolina School of Law, with Honors, where he was a Note & Comment Editor and a published author on the North Carolina Law Review. He also graduated with a Bachelor of Arts, *magna cum laude*, in Politics from Fairfield University.

Jackie Fugitt (Chapter 32, *Requests for Admission*), a partner at King & Spalding LLP, is a trial lawyer who guides clients through complex commercial disputes and investigations, with experience in contract, fiduciary duty, securities, antitrust, and consumer protection matters. She represents companies in the financial services, technology, healthcare, clean energy, and airline sectors. Known for practical judgment and strong client relationships, Ms. Fugitt develops trial-ready strategies from the outset and helps clients navigate business-critical disputes and challenges.

Ms. Fugitt has represented clients in some of their most significant disputes, including derivative litigation in the Delaware Court of Chancery, a high-stakes arbitration involving complex regulatory issues, and related consumer class and government actions with more than $2 billion in claimed damages. She has also advised boards of directors and special litigation committees on fiduciary matters and counseled companies facing disputes to assess risk, develop strategy, and make critical business decisions.

John L. Gardiner (Chapter 70, *International Arbitration*) is global head of Skadden, Arps, Slate, Meagher & Flom LLP's International Litigation and Arbitration Group. Mr. Gardiner has been repeatedly listed in *Chambers Global: The World's Leading Lawyers for Business, Chambers USA: America's Leading Lawyers for Business, The Best Lawyers in America, International Who's Who of Commercial Arbitration* and Lawdragon's lists of the 500 Leading Global Litigators and 500 Leading Litigators in America.

Mr. Gardiner's extensive litigation, arbitration and mediation experience covers a wide range of disputes in the energy, insurance/reinsurance, telecommunications, construction, auditing and accounting, and finance sectors. He also has acted as arbitrator in complex international corporate disputes and as mediator in intricate corporate and partnership separation situations. He has participated as counsel in many successful mediations and expert proceedings both internationally and domestically.

Martin C. Geagan (Chapter 21, *Parties*), a partner with Winston Taylor LLP, has represented Fortune 500 companies in all stages of litigation, including discovery, trials, and appeals. He has significant experience in complex commercial and antitrust litigation, and has litigated class actions and other matters for private and government clients in the construction, electronics, healthcare, insurance, pharmaceutical, sports, airline, and oil industries.

Mr. Geagan has represented the following clients in complex commercial litigation and related matters: Panasonic Corporation, CPB Contractors Pty Ltd., the Lower Manhattan Development Corporation (LMDC), UnitedHealth Group, Inc., Ingenix,

Inc., American Airlines, Sotheby's Inc., and PAI partners SAS, among other corporate and government clients. Among other high-profile matters, he led a team of attorneys representing LMDC in a complex construction litigation in New York State court relating to the abatement and deconstruction of the former Deutsche Bank Building in lower Manhattan, which was seriously damaged in the terrorist attacks on September 11, 2001. He conducted and defended over thirty depositions in the *LMDC* matter alone, including over ten expert depositions, in defense of breach-of-contract claims seeking over a hundred million dollars and in support of LMDC's gross negligence counterclaim.

Mr. Geagan has extensive pro bono experience, including representation of a domestic abuse victim in connection with her petition for a change in immigration status under the Violence Against Women Act. He also previously represented an indigent criminal defendant on a habeas corpus appeal, and argued the appeal before the Seventh Circuit Court of Appeals. Further, he was the primary drafter of the first nationwide class action complaint filed on behalf of the Humane Society of the United States against a Florida seller of sick dogs obtained from "puppy mills." Following a Florida court's denial of the defendant sellers' motion to dismiss the case, the seller immediately filed for bankruptcy, resulting in the shuttering of the store and the sale of its assets.

Daniel C. Gibbons (Chapter 41, *Settlements*) is an accomplished trial attorney and seasoned litigator with Rosenberg & Estis, P.C. in its Complex Commercial Litigation Department. Dan has represented clients in courts and various venues across the country in a wide range of sophisticated commercial disputes. While he is an experienced courtroom advocate, Dan is particularly valued for his ability to strategically position matters for efficient and favorable resolution through negotiation, mediation, and business-focused settlement strategies.

Prior to joining R&E, Dan served as head of litigation for a large national healthcare organization, where he established and built the company's litigation department and oversaw the organization's commercial disputes nationwide. In that role, he developed and implemented enterprise-wide litigation strategy, working closely with business leadership and outside counsel to resolve high-stakes disputes in a manner aligned with the organization's operational priorities, financial objectives, and long-term business goals. Dan was instrumental in evaluating litigation risk, managing exposure, and achieving strategic settlements that minimized disruption while protecting the company's interests.

Before moving in-house with his longtime client, Dan was a partner at a large international law firm where he successfully tried cases and argued appeals while representing high-profile

corporate clients in complex commercial and healthcare disputes. His experience handling matters through all phases of litigation gives him a practical understanding of how to leverage litigation risk, cost, and timing considerations to achieve advantageous resolutions for clients both inside and outside the courtroom.

Dan is well regarded for his rational approach, measured judgment, and practical advice. He is known for his ability to distill complex legal and business issues into clear, understandable language for clients and stakeholders. Drawing on his extensive litigation and in-house experience, Dan counsels clients on dispute resolution strategies, settlement negotiations, and litigation management approaches, designed to achieve efficient, cost-effective outcomes that are consistent with their broader business objectives.

The Honorable Judith J. Gische (Ret.) (Chapter 94, *Letters of Credit*) currently is Senior Counsel to the firm of Blank Rome LLP. She primarily practices law in the areas of arbitration, mediation, appeals and general litigation mostly on financial issues in commercial and matrimonial disputes.

She served as a Judge in the New York State Courts for 32 years before leaving the bench in 2022. She last served as an Associate Justice in the New York State Appellate Division, First Judicial Department. She was appointed to the Appellate Division in October 2012 and remained in that position until she retired from the Court system. The Appellate Division decides a large percentage of appeals from New York State Supreme Court's commercial case docket. Justice Gische began her judicial career in 1990, serving as a Housing Court Judge (1990–1993); a Judge of the Civil Court of the City of New York (1993–1997), an Acting New York State Supreme Court Justice (1997–2008) and then as an elected New York State Supreme Court Justice (2008–2012). In 1977 Justice Gische received her Bachelor of Arts from the State University of New York at Buffalo, where she was *Phi Beta Kappa*. She then received her Juris Doctor from SUNY Buffalo in 1980.

Justice Gische is a member of the Chief Judge's Advisory Committee on Evidence which produced the on-line publication entitled The Guide to New York Evidence (www.nycourts.gov/judges/evidence). She is an emeritus member of the Committee on Pattern Jury Instructions Association of Justices of the Supreme Court of the State of New York and the Dean's Advisory Committee of her alma mater, SUNY at Buffalo Law School. She was Adjunct Professor for 10 years at New York Law School and has been a featured lecturer on numerous occasions for varied professional associations, including New York County Bar Association, the City Bar Association and Association of Supreme Court Judges. She is also a co-author of chapter 6 (witnesses) of

the Bench Book for Trial Judges. In addition, Justice Gische is a member of The New York County Lawyers Association where she formerly chaired the Judicial section (2016 to 2019), a current board member of the Women's Bar Association, New York County chapter and a member of the City Bar Association.

Robert J. Giuffra, Jr. (Chapter 93, *Bank Litigation*) is Co-Chair of Sullivan & Cromwell and a senior partner of the Firm's Litigation Group. For over 25 years, Mr. Giuffra has represented prominent corporations and individuals in their most challenging civil and criminal cases, including at jury and bench trials, and on appeal in federal and state courts around the United States, before arbitration panels, and in investigations involving the U.S. Department of Justice, the SEC, the EPA, the Department of Homeland Security, U.S. and non-U.S. bank regulators, the U.S. Congress, all 50 state attorneys general, and the Internal Revenue Service. He regularly advises senior executives and boards of directors in internal governance matters. A fellow of the American College of Trial Lawyers and the International Academy of Trial Lawyers, Mr. Giuffra is recognized as one of the leading litigators in the United States.

Mr. Giuffra has served in all three branches of the U.S. government. He was a law clerk to Chief Justice William Rehnquist of the U.S. Supreme Court and to Judge Ralph Winter of the U.S. Court of Appeals for the Second Circuit. He served as Chief Counsel of the U.S. Senate Committee on Banking, Housing and Urban Affairs 1995-1996 and was a primary drafter of the Private Securities Litigation Reform Act of 1995, as well as in the White House. He has also been appointed by governors of both political parties to serve in New York State government, including on the New York State Commission on Public Integrity, New York State Ethics Commission and, while at Sullivan & Cromwell, as a Special Assistant District Attorney, County of New York. Mr. Giuffra has been a leader of the Bar. In 2017, Chief Justice John Roberts appointed him to serve on the Standing Committee on Rules of Practice and Procedure of the U.S. Courts. Mr. Giuffra has also served as President of The Federal Bar Council, on the New York State-Federal Judicial Council, the Commercial Division Advisory Council, the Southern District Magistrate Judge Selection Panel, and the Commission on Attorney Discipline.

Jeffrey Goldfine (Chapter 75, *Litigation Management by Corporations*) is a litigation partner in Kirkland's New York office. Jeff has a diverse practice, representing private equity and other investment firms, public and private companies, boards of directors and individuals in state and federal court, as well as before arbitration tribunals nationwide. He has extensive experience both in the courtroom and the boardroom, advising clients on a

wide range of matters including business disputes, M&A litigation, corporate governance, restructurings and securities litigation. Jeff has been recognized by *Benchmark Litigation* and in *The American Lawyer*'s "Litigator of the Week" column.

Harold K. Gordon (Chapter 130, *Deceptive and Misleading Business Practices*) is a litigation partner at Jones Day with more than 30 years of experience successfully defending clients in multiple federal and state court jury trials, including groundbreaking trials in New York and other jurisdictions. He also has defended clients in SEC, state attorney general and internal board committee investigations, and enforcement proceedings and in high-stakes financial services, securities litigation and consumer product matters.

A Fellow of the American College of Trial Lawyers and a member of the College's New York-Downstate Committee, Mr. Gordon was in 2014 selected as Courtroom View Network's (CVN) first Defense Attorney of the Year for being undefeated during the year in three critical jury trials. Prior to joining Jones Day, Mr. Gordon served as a Branch Chief and Staff Attorney in the SEC's Enforcement Division and as a Law Clerk to the Honorable Lowell A. Reed, Jr., United States District Judge for the Eastern District of Pennsylvania. Mr. Gordon has served as an adjunct professor of law, teaching pretrial practice, and a faculty member of the Intensive Trial Advocacy Program, at Cardozo Law School. Mr. Gordon is a Master in the Federal Bar Council's (FBC) Inn of Court program, a member of the FBC's Programs Committee and the Federal Bar Foundation's board of directors, a former FBC board member, an Advisory Fellow for The Heyman Center on Corporate Governance at Cardozo, and a member of the Association of SEC Alumni.

The Honorable Victoria A. Graffeo (Chapter 147, *CPLR Article 78 Challenges to Administrative Determinations*) is Of Counsel at Harris Beach Murtha Cullina PLLC and leads the firm's Appellate Practice Group.

Judge Graffeo served a 14-year term on New York's highest court, the New York State Court of Appeals, from December 2000 to November 2014, ending her tenure as Senior Associate Judge. Before joining the Court of Appeals, Judge Graffeo was an Associate Justice of the Appellate Division of the New York Supreme Court in the Third Judicial Department. Earlier, she had been appointed to fill a vacancy on the State Supreme Court in the Third Judicial District and was elected to a full term commencing January 1, 1997.

From January 1995 to September 1996, Judge Graffeo served as Solicitor General of the State of New York and Counsel to the New York Attorney General. She held a number of posts in state government from 1982 to 1994, including that of Chief Counsel to

the Minority Leader of the State Assembly, Counsel to the Minority Leader Pro Tempore of the State Assembly and Assistant Counsel of the State Division of Alcoholism and Alcohol Abuse. She began her legal career as a litigation associate in an Albany law firm.

Judge Graffeo is a member of the New York State Bar Association and a Fellow of the New York State Bar Foundation. She was recently presented with the Vincent E. Doyle, Jr. Award for Outstanding Judicial Contribution to the Criminal Justice System from the State Bar Association, and with awards from the Legal Aid Society of Northeastern New York and the Albany County Bar Association for her work on Access to Justice initiatives. She is a member of the New York City Bar Association, the Albany County Bar Association, the Capital District Women's Bar Association, the American Bar Association and is vice-president of the Capital District Italian-American Bar Association. She is a member of the Character and Fitness Committee for the Third Judicial Department.

Meaghan Gragg (Chapter 104, *Limited Liability Companies*) is a partner of Fishkin Lucks LLP. She is a commercial litigator with extensive experience handling high-stakes, complex disputes for global clients in state and federal courts and in domestic and international arbitration. Her litigation practice spans contract and business-tort disputes, fraud claims, corporate governance and partnership disputes, fiduciary litigation, and the domestic and cross-border enforcement of judgments and arbitral awards. Prior to joining Fishkin Lucks, Ms. Gragg was a partner of Hughes Hubbard & Reed LLP, where she practiced in the Litigation Department and International Arbitration Group and served as Co-Chair of the Art Law Group. Ms. Gragg is ranked by the *Chambers High Net Worth Guide* for Art and Cultural Property Law and is recognized by other leading legal directories for her work in commercial litigation and international arbitration. She is a member of the Art Law Committee of the New York City Bar Association, was a Fellow of the David Rockefeller Fellows Program of the Partnership for New York City and serves on the board of directors of the Legal Aid Society and Performance Space New York.

Daniel C. Green (Chapter 124, *Professional Liability*) is a shareholder in the New York office of Vedder Price P.C. He is a graduate of Emory University and of Columbia Law School. He has represented and advised accounting firms since his admission to the bar in 2003, including in connection with numerous matters springing from the collapse of Bernard L. Madoff Investment Securities LLC.

Claire P. Gutekunst (Chapter 52, *Final Arguments in Jury and Bench Trials*) is an independent mediator. She previously

was a commercial litigator at Proskauer Rose LLP for nearly 30 years and then Special Master for the New York City Asbestos Litigation. She served as President of the New York State Bar Association from 2016 to 2017, having served as President-Elect from 2015 to 2016 and as the first woman Treasurer from 2011 to 2013. She served as Executive Director of Judges and Lawyers Breast Cancer Alert from 2017 until her retirement in 2022. Among her numerous other roles at NYSBA, Ms. Gutekunst was a member of the Executive Committees of both the Commercial and Federal Litigation Section and the Dispute Resolution Section for many years and previously served for many years on the Ad Hoc Committee on the Jury System. Ms. Gutekunst has written and spoken extensively on the jury system and on alternative dispute resolution. She received her A.B. (*magna cum laude*) and A.M. degrees from Brown University and her J.D. from the Yale Law School.

Joel C. Haims (Chapter 118, *Director and Officer Liability*) is a litigation partner at McDermott Will & Schulte's NY office. His practice focuses on securities litigation, including class actions, shareholder derivative cases, and corporate control litigation, as well as SEC enforcement proceedings and corporate internal investigations. He also has extensive experience litigating complex commercial cases, including commercial real estate disputes and bankruptcies. He is a 1993 graduate of Cornell Law School.

Jason Halper (Chapter 109, *Asset Management*) is a partner in Vinson & Elkins' Complex Commercial Litigation practice group, with decades of experience practicing in the areas of financial services and securities law, complex commercial disputes and corporate governance. He has tried cases to jury verdict or other decision in federal and state courts, regulatory tribunals and arbitrations around the country. Jason's clients include public and private companies, underwriters, lenders, professional services firms and their partners, corporate directors and other individuals in a variety of industries, and he represents these clients in securities, derivative, ERISA and RICO class actions, SEC, FINRA and stock exchange investigations and arbitrations, internal investigations, suits claiming breaches of fiduciary duty, insider trading or other misconduct by corporate directors, substantial financial instrument and other contract disputes, bankruptcy-related proceedings, and litigation arising from M&A or other transactions involving changes in or contests for corporate control.

Jason is also a Lecturer in Law, focusing on corporate law issues involving governance, sustainability, compliance, and ethics, at the University of Pennsylvania Carey Law School, and is a member of the Advisory Board of Harvard Law School's Program

on Corporate Governance.

Jeff G. Hammel (Chapter 45, *Trial Preliminaries and the Opening Statement*) is a partner in Latham & Watkins LLP's New York office. He is currently co-chair of Latham's New York Litigation Department and previously co-chaired the firm's Securities and M&A Litigation practice group. His practice focuses on representing companies and their officers and directors in their most high profile litigation matters. He has won dozens of securities class actions on behalf of defendants, including in numerous precedent-setting cases. Mr. Hammel received his A.B. from Dartmouth College and his J.D. from Columbia Law School.

Richard B. Harper (Chapter 135, *Misappropriation of Trade Secrets*) is a commercial litigation partner at Baker Botts, advising and litigating on behalf of some of the world's most sophisticated technology, media, and sports companies. He leads litigation teams in business tort and breach of contract disputes that range from trade secrets litigation to mergers and acquisition shareholder litigation.

Rich serves as the Partner-in-Charge of Baker Botts' New York office and serves as Co-chair of the firm's Artificial Intelligence practice group. He has taught seminars at law schools on Artificial Intelligence and the Law, and the Role of the Legal Advisor in the Business of Sports. For over a decade, Rich has also served as part of the faculty for the Intensive Trial Practice Workshop at the University of Chicago Law School.

Amina Hassan (Chapter 95, *Blockchain and Digital Assets*) is a partner in Hughes Hubbard & Reed's Litigation Department and co-chair of the firm's Class Action practice. Her practice focuses on complex commercial litigation, including securities disputes, digital-asset disputes, bankruptcy-related litigation, and cross-border investigations and disputes.

In the digital-assets field, Ms. Hassan represented a former Wall Street executive in a securities-related crypto-fraud jury trial. That trial was the first of its kind in which the question whether certain crypto products constituted securities was submitted to a jury, and the jury returned a verdict in her client's favor. In addition to litigating digital-asset disputes, Ms. Hassan advises clients on cryptocurrency, blockchain technology, fraud, asset tracing, and emerging-technology issues.

An experienced trial lawyer, Ms. Hassan has represented clients through every stage of litigation, from pre-suit investigations through complex technical discovery to settlement and trial. Her practice frequently involves emerging technologies, complex financial products, and other novel issues that sit at the intersection of law, technology, and business. She particularly enjoys matters that require mastering unfamiliar technical subjects and presenting those issues in a clear and persuasive manner to

courts and fact finders.

Ms. Hassan received her J.D. from Columbia Law School and her B.S. in Computer Science from the Lahore University of Management Sciences. Her background in computer science informs her work on matters involving emerging technologies, digital assets, and other complex technical issues.

In addition to her active litigation practice, Ms. Hassan is a recognized leader within the legal profession. She was selected as the firm's representative to the Leadership Council on Legal Diversity (LCLD) Fellows Program, a leadership development initiative for high-potential attorneys, and was recognized as a 2025 Women Worth Watching in Leadership honoree.

David B. Hennes (Chapter 119, *Fiduciary Duty Litigation*) is co-chair of the corporate and securities litigation practice at Ropes & Gray LLP. Mr. Hennes has over 30 years of experience litigating a broad array of corporate disputes, with an emphasis on complex corporate litigation, securities cases, corporate-control disputes, and enforcement litigation. He frequently handles complicated federal securities class actions and state law derivative actions, and litigation arising from transactional matters, including breach of duty litigation, breach of contract and business tort cases.

Mr. Hennes has successfully represented, among others, the industrialist William I. Koch, Deutsche Bank, Novartis, Goldman Sachs, and Blackstone in significant litigation matters at both trial and on appeal. Notably, he led the multidisciplinary team that successfully prosecuted first-of-their-kind claims on behalf of Nippon Steel in connection with Nippon's $14.9 billion acquisition of U.S. Steel. He also obtained dismissal of a landmark Federal Trade Commission enforcement action targeting private equity firm Welsh, Carson, Anderson & Stowe as well as a follow-on civil class action antitrust lawsuit.

Recognized as a thought leader in corporate litigation, Mr. Hennes frequently writes for leading publications, including *New York Law Journal, Law360* and *International Law Office Corporate Finance/M&A Newsletter*.

Mr. Hennes is regularly recognized by *Chambers USA* as a leading individual for General Commercial Litigation and Securities Litigation, *Financial Times* as an "Innovative Lawyer" for "Practice of Law Dispute Resolution—Standout," *The Legal 500* as a "Leading Lawyer" for M&A Litigation: Defense, *Lawdragon 500* as a "Leading Litigator" and *Benchmark Litigation* as a New York Litigation Star. As reported by *Chambers*, clients describe Mr. Hennes as "an outstanding lawyer who has excellent judgment, is responsive 24/7 and gives excellent, thoughtful and practical business-oriented advice."

Mr. Hennes clerked for the Honorable Jerome B. Simandle of the U.S. District Court for the District of New Jersey. He received his law degree from University of Pennsylvania Law School and his B.A. from the University of Michigan.

James Herschlein (Chapter 107, *Products Liability*) is a partner and co-chair of Arnold & Porter's Litigation group. Recognized by *Chambers USA* for his New York commercial litigation practice and listed in *Best Lawyers* for Product Liability Litigation—Defendants for over a decade, Jim represents Fortune 500 companies in high-stakes commercial, product liability, and complex litigation matters across state and federal courts, as well as in arbitration and international forums. He has led significant product liability matters nationwide, securing defense verdicts, dispositive rulings, and precedent-setting dismissals, and successfully guiding coordinated state and federal proceedings in complex, high-exposure litigation. Jim is actively involved in the New York legal community and currently serves as President of the St. John's Law School Alumni Association Board of Directors. He earned his J.D. from St. John's University School of Law, where he served as an Articles Editor of the *St. John's Law Review*.

The Honorable John R. Higgitt (Chapter 89, *Contracts*) is an Associate Justice of the Appellate Division, First Judicial Department. He was appointed to that Court in May 2021. Prior to joining the Appellate Division, First Department, Justice Higgitt served on the Appellate Term, First Judicial Department, and the New York State Supreme Court, Bronx County (civil branch).

Prior to his judicial service, Justice Higgitt held a number of positions in the New York State court system, including Chief Court Attorney of Supreme Court, Bronx County (civil branch); court attorney-referee in Supreme Court, Bronx County; and Chief Court Attorney of the Appellate Term, First Department. Additionally, Justice Higgitt was a confidential law clerk to justices in Supreme Court, New York and Bronx Counties, and the Appellate Division, First Department.

Justice Higgitt is a member of the New York State Committee on Pattern Jury Instructions (civil) for the Association of Justices of the Supreme Court of the State of New York; a member of the New York State Bench Book Committee for the Association of Justices of the Supreme Court of the State of New York; and a co-chair of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York.

Justice Higgitt received his law degree from Albany Law School of Union University (2001), and his undergraduate degree from the State University of New York, College at Cortland (1998).

Tracy Richelle High (Chapter 54, *Compensatory Damages*, and Chapter 65, *Appeals to the Court of Appeals*) is a partner in Sullivan & Cromwell LLP's Litigation Group, a co-head of the Firm's Employment Law Group and a member of both the Firm's Workplace Investigations and Criminal Defense and Investigations Groups. She is a graduate of Harvard Law School and Yale University.

Ms. High's practice focuses on representing financial institutions and other corporations in complex civil litigation, arbitration and mediation proceedings, corporate internal investigations, and labor and employment matters. She is recognized by *Chambers USA* for Labor & Employment and has been named an Employment & Discrimination Trailblazer by *National Law Journal* and Private Practitioner of the Year by the Metropolitan Black Bar Association. She is a Fellow of the Litigation Counsel of America and a Fellow of the American Bar Association.

Ms. High is a Vice Chairwoman of the Legal Aid Society, a board member of the Lawyers' Committee for Civil Rights Under Law, and a member of the Executive Committee, as well as co-chair of the Contracts Committee, of the NYIAC. She also serves on the Steering Committee of the Kate Stoneman Project, is a Trustee of the Harvard Law School Association, New York City, and is a member of the Association of Black Women Attorneys and Metropolitan Black Bar Association. Ms. High is also a member of the Advisory Board of the Center for Labor and Employment Law at the New York University School of Law, a member of the Practical Law Litigation Advisory Board and a member of the Council of Legal Advisors to Delta Sigma Theta Sorority, Inc.

Ellen V. Holloman (Chapter 83, *Diversity and Inclusion*) is a partner at Kaplan Martin LLP. She was educated at Swarthmore College, Oxford University and Harvard Law School, and started her legal career over 20 years ago in the New York and London offices of Sullivan & Cromwell LLP. Ms. Holloman serves on the Board of Trustees for the Center for Employment Opportunities, a non-profit organization dedicated to assisting men and women with criminal convictions with finding employment. She is a member of the Nomination & Governance and Audit Committees, and sits on the Board's Diversity, Equity and Inclusion Steering Committee. She also serves on the Board of Trustees for the New York Lawyers for the Public Interest, where she is a member of the Development and Nomination & Governance Committees, and she is a Director for the Fund for Modern Courts, a non-profit and non-partisan organization dedicated to ensuring that New York State Courts are just and equitable for all. She is a soror of Alpha Kappa Alpha, a past member of the New York City Bar Association's Diversity, Equity and Inclusion and Mergers,

Acquisitions and Corporate Control Contests Committees, a member of the Federal Bar Council, the Women's White Collar Defense Association, the New York Council of Defense Lawyers, National Association of Women Lawyers, and a lifetime member of the Metropolitan Black Bar Association.

August T. Horvath (Chapter 127, *Antitrust Litigation*) is a Partner and Chair of the Advertising & Marketing Law Group at Foley Hoag LLP in New York. His antitrust practice focuses on litigating both civil and criminal cases before the Federal Trade Commission, the Department of Justice (DOJ) Antitrust Division, and state enforcement agencies. He has counseled extensively on the antitrust implications of pricing and price communications, distribution arrangements, joint ventures, and mergers and acquisitions. Mr. Horvath has authored or edited two books for the Antitrust Section of the American Bar Association and served on the editorial board of the sixth edition of the ABA's treatise, *Antitrust Law Developments*. Mr. Horvath also practices widely in related areas of consumer law, including false advertising, unfair trade practices, Americans with Disabilities Act accessibility, Proposition 65, and food and beverage regulation. He has also served, for the past several editions, as editor of the chapter on Department of Justice antitrust enforcement in the treatise, *Antitrust Adviser*. Mr. Horvath has been named a New York Area Super Lawyer in the Antitrust category in each year since 2011, has been recommended in US Legal 500, and has been nationally ranked by Chambers (2026) in the Advertising Litigation and Food & Beverages Regulatory & Litigation categories. He earned his J.D. from Harvard (*cum laude*, 1996) and his Ph.D. in Communication Theory & Research from the University of Southern California.

Victor L. Hou (Chapter 12, *Comparison with Commercial Litigation in Delaware Courts*) is a Partner with Cleary Gottlieb Steen & Hamilton LLP and Co-Leader of the firm's Americas Litigation Group. His practice focuses on litigation, including corporate litigation in the Delaware Court of Chancery, government enforcement work, white-collar criminal defense, securities litigation, corporate governance, and general commercial litigation. He has represented numerous financial institutions and multinational corporations in securities, antitrust and other complex litigation, as well as in criminal and regulatory matters involving the Department of Justice, the Securities and Exchange Commission, the Financial Industry Regulatory Authority and state attorney general's offices. Mr. Hou regularly conducts internal investigations involving allegations of violations of the Foreign Corrupt Practices Act, financial and accounting fraud, and insider trading.

Among other notable matters, Mr. Hou has recently represented National Amusements Inc. (NAI), the controlling stock-

holder of CBS Corporation and Viacom, Shari Redstone, and Sumner Redstone in Delaware Court of Chancery litigation against CBS Corporation and certain members of its board of directors concerning CBS's attempt to dilute NAI's voting control of CBS, ending in a favorable settlement rescinding the dilutive stock dividend and dismissal of all claims. He previously represented NAI in litigation in Delaware concerning the removal of certain members of the board of directors of Viacom. Additionally, he represented the petitioners in *California Public Employees Retirement System (CalPERS) v. ANZ Securities Inc. et al.*, where the U.S. Supreme Court upheld the Second Circuit's ruling that the class action tolling rule does not apply to the statute of repose established by the Securities Act of 1933. This landmark decision affirms the limits of the liability period for securities issuers and underwriters, as well as corporate officers and directors, and extinguishes actions filed after repose periods expire.

Mr. Hou has been recognized as a leading lawyer by *Chambers USA, The Legal 500, The American Lawyer*, and *Benchmark Litigation*. Mr. Hou served on the Board of Directors for The Legal Aid Society and was appointed to the Criminal Justice Act Panel, and is a member of the New York Council of Defense Lawyers. He also served as a Teaching Fellow at Harvard University.

Mr. Hou joined the firm in 2007. From June 2001 until July 2007, he served as an Assistant U.S. Attorney for the Southern District of New York. As a prosecutor, Mr. Hou investigated and prosecuted numerous federal offenses, including racketeering, terrorism, murder, securities fraud, money laundering, mail fraud, wire fraud and international narcotics trafficking, and received the U.S. Department of Justice Director's Award for Trial Excellence. Mr. Hou received his J.D. from New York University School of Law, where he was Senior Articles Editor of the Law Review, and his A.B. from Georgetown University.

Christopher J. Houpt (Chapter 115, *Securitization and Structured Finance*) is a partner in Mayer Brown LLP's Litigation group, concentrating on banking and finance matters, particularly cases involving cross-border issues; securitization, structured finance, and derivatives; and asset turnover. After graduating *cum laude* from Harvard Law School, where he was an editor on the law review, Chris served as a foreign law clerk to the Honorable Aharon Barak, President of the Supreme Court of Israel. Before law school, he was a financial analyst at D. E. Shaw & Co. and Covad Communications.

Daniel J. Hurteau (Chapter 99, *Sale of Goods*) is Office Managing Partner and Deputy Practice Group Leader, Complex Disputes, with Nixon Peabody LLP. Mr. Hurteau is a litigator

who has tried hundreds of cases in administrative proceedings, mediations, arbitrations and state and federal court. He focuses on complex business and tort-related actions for pharmaceutical companies, hospitals and health care providers, long-term care facilities and physicians. Mr. Hurteau also represents owners and developers in a wide variety of commercial and construction-related matters.

Jennifer Insley-Pruitt (Chapter 138, *Fashion and Retail*) is a partner in the New York office of Dechert LLP, where her practice focuses on trademark, copyright, false advertising, and related intellectual property litigation, counseling, and enforcement. Ms. Insley-Pruitt is a graduate of the University of Chicago (A.B. 2001) and New York University School of Law (J.D. 2008).

Martin Jackson (Chapter 100, *Warranties*) is a Partner in Sidley's Global Arbitration, Trade, and Advocacy practice in New York. As a skilled trial lawyer with decades of experience, he has served as lead counsel in complex commercial litigation matters in federal and state courts and international arbitrations under all major institutional rules. Martin is widely recognized for his strategic acumen, persuasive advocacy, and success in representing clients in high-stakes cross-border disputes spanning construction, energy, finance, joint ventures, licensing, manufacturing, pharmaceuticals, sale of goods, and technology. Licensed in both New York and California, Martin frequently represents clients in South Korea and across the Asia-Pacific region in international arbitration proceedings, cross-border disputes, and U.S. litigation. Fluent in Spanish, he also regularly advises Latin American clients in significant disputes before U.S. courts and arbitral tribunals.

As a highly successful trial lawyer, Martin is well-respected and well-known for his advocacy skills. Most recently, Martin has been recognized as a "Future Star" by Benchmark Litigation (2020–2025), a "Future Leader" by Lexology (2025); and a "Recommended" lawyer for International Arbitration by Legal 500 Latin America (2025).

Martin is a respected advocate and thought leader in international arbitration and litigation. He is frequently invited to speak at global conferences and forums on dispute resolution, arbitration strategy, and advocacy. Known for his integrity and commitment to results, Martin has earned consistent praise from clients and peers alike. A passionate advocate for inclusion in the legal profession, Martin has served as Co-Chair of Sidley's New York Office Inclusion Committee for over a decade.

The Honorable Linda S. Jamieson (Chapter 25, *Preliminary and Compliance Conferences and Orders*) currently sits in the Commercial Division and a Civil Trial Part of the Supreme

Court and has since 2013. She was first elected as a Justice of the Supreme Court in November 2002. Following her election, she was assigned to an Individual Assignment Part, where she presided over a variety of cases including, but not limited to, torts, real estate, commercial, employment discrimination, medical malpractice and contract disputes. Justice Jamieson was reelected to a second 14-year term in November 2016. In June 2006, Justice Jamieson was assigned to a dedicated Matrimonial Part where she sat until 2010. Prior to her election to Supreme Court, Justice Jamieson was appointed by the Governor as a Family Court Judge in Westchester County. She was subsequently elected to that position, serving a total of six years there.

Justice Jamieson earned her bachelor's degree from Hofstra University and her Juris Doctorate from the Pace University School of Law. She is admitted to practice law in the States of New York, Connecticut, New Jersey and Florida, as well as in the United States Supreme Court and the United States District Courts for the Southern and Eastern Districts of New York. Prior to taking the bench, Justice Jamieson was in private practice for 20 years as a trial attorney.

Justice Jamieson is an active member of, and lecturer for, many bar associations, including the New York State Women Judges Association; the National Association of Women Judges; the Westchester County Bar Association, of which she was President; the White Plains Bar Association, of which she was President; and the Women's Bar Association of the State of New York, of which she is a board member. She is also a former board member of the Association of Judges of the Family Court of the State of New York. Justice Jamieson has been a contributing author of the Fourth and Fifth Editions of Commercial Litigation in New York State Courts and a lecturer for the Office of Court Administration's New Judge's School. She is also the Ninth Judicial District Representative for the Association of Justices of the Supreme Court of the State of New York, a member of the House of Delegates for the American Bar Association, a member of the Board of Visitors of Elisabeth Haub School of Law at Pace University, and a former member of the House of Delegates of New York State Bar Association.

The Honorable Barbara Jones (Chapter 112, *Valuing a Business*) is Of Counsel at Bracewell LLP. Prior to joining Bracewell, Judge Jones served for 16 years in the U.S. District Court for the Southern District of New York, where she presided over a diverse range of cases including accounting and securities fraud, antitrust, fraud and corruption involving city contracts and federal loan programs, labor racketeering, and terrorism. Before taking the bench, Judge Jones served as Chief Assistant to Robert M. Morgenthau, then-District Attorney of New York

County. Prior to that, she was an Assistant United States Attorney in the Southern District of New York, where she served as the chief of the Organized Crime Strike Force Unit. Judge Jones has served as an adjunct assistant professor at Fordham Law School and New York University School of Law. She earned her B.A. from Mount Saint Mary's College and her J.D. from Temple University Beasley School of Law.

Julia M. Jordan (Chapter 65, *Appeals to the Court of Appeals*) is a partner in Sullivan & Cromwell LLP's Litigation Group and serves as co-head of both the Employment Law Group and Workplace Investigations Practice. Her practice focuses on internal investigations, employment matters and complex commercial litigation. Prior to joining the Firm, Ms. Jordan served as an assistant district attorney in the New York County District Attorney's Office, where she prosecuted a wide variety of cases and tried numerous jury and bench trials. She earned her J.D. from Case Western Reserve University School of Law and her B.A. from Georgetown University. She has been recognized by *Chambers USA* for Labor & Employment and named an "Employment Law Trailblazer" by the *National Law Journal*, "Litigator of the Week" by *AmLaw Litigation Daily*, an MVP for Employment by *Law360*, a "Top 50 Labor & Employment Litigator" and a "Labor & Employment Star" by *Benchmark Litigation*, and a Leading U.S. Corporate Employment Lawyer by *Lawdragon*.

Robert J. Jossen (Chapter 141, *Privacy and Security*), principal of Robert Jossen, P.C., was a partner in the New York office of Dechert LLP from 2005 to 2017 and past Chair of Dechert's Global Litigation Team, and has been a member of the Bar of New York since 1973. Mr. Jossen has a wealth of experience in prosecuting, defending, trying and settling complex litigation problems. The focus of his practice is primarily on dispute resolution, serving as a mediator or arbitrator, and, separately, as a counselor on specific assignments providing advice and counsel to individuals or entities in crisis situations. He is a fellow of the American College of Trial Lawyers and of the New York Bar Foundation. Prior to entering private practice, Mr. Jossen was Chief Appellate Attorney in the United States Attorney's Office for the Southern District of New York and earlier an Assistant U.S. Attorney in the Criminal Division. He began his legal career as a law clerk for the Honorable Marvin E. Frankel of the U.S. District Court for the Southern District of New York. Prior to joining Dechert Mr. Jossen was co-chairman of the New York Litigation Group at Swidler Berlin Shereff Friedman, LLP. Mr. Jossen is a graduate of Cornell University (B.S., 1969) and Columbia University Law School (J.D., 1972), where he was the Notes and Comments editor of the Columbia Law Review.

Roberta A. Kaplan (Chapter 4, *Investigation of the Case*) is a Partner at Kaplan Martin LLP. A formidable litigator with

decades of experience in both commercial and civil rights litigation, Ms. Kaplan has consistently been recognized as one of the nation's top litigators, as well as one of the top 10 women litigators. In addition to receiving the Gold Medal Award from the New York State Bar Association and a Lifetime Achievement Award from the *New York Law Journal*, she has been named "Litigator of the Year" by *The American Lawyer*, "Lawyer of the Year" by *Above the Law*, and the "Most Innovative Lawyer of The Year" by *The Financial Times*, among numerous other honors. She is also a co-founder of the Times Up Legal Defense Fund.

Ms. Kaplan has become an expert in cutting-edge areas of law. As the *ABA Journal* has recognized, Ms. Kaplan is "a specialist in emerging law. She litigates cases that shape the legal structure within which Americans live, love, work and hail cabs." Ms. Kaplan leads a high-stakes commercial litigation practice, representing clients like Airbnb, Uber, Elysium Health, Columbia University, and Fitch Ratings in their most high-profile and complex legal challenges. Although she is perhaps best known for successfully arguing before the United States Supreme Court in *United States v. Windsor*, Ms. Kaplan has continued her deep-seated commitment to using the law to advance the public interest. From launching a lawsuit against the neo-Nazis and white supremacists who organized the racial- and religious-based violence that took place in Charlottesville in August 2017, to suing President Trump for fraudulently promoting a multi-level marketing company, Ms. Kaplan has placed high-profile public interest litigation at the center of her practice.

Ms. Kaplan is a 1991 graduate of Columbia Law School, where she currently serves as an adjunct professor of law. She holds an A.B., *magna cum laude* and *Phi Beta Kappa*, from Harvard College.

The Honorable Barbara R. Kapnick (Chapter 87, *Attorney Discipline*) is an Associate Justice of the Appellate Division, First Department. She received her bachelor's degree cum laude from Barnard College and her juris doctor from Boston University School of Law. She has had a distinguished career in the New York Court System for over forty years as both a court attorney and judge. She was elected to the Civil Court in 1991, appointed an Acting Supreme Court Justice in April 1994, and was elected to the Supreme Court, New York County in 2001. She was assigned to the Commercial Division in 2008, where she handled many complex and high-profile cases, and was appointed to the Appellate Division, First Department in January 2014.

Justice Kapnick served as President of the Association of Justices of the Supreme Court of the State of New York in 2022 and was the President of the Supreme Court Justices Association of the City of New York from 2013 to 2014. Justice Kapnick also

served as a member of the Advisory Committee on Judicial Ethics from June 2008 to June 2018, and now serves on its Ethics Faculty. In December 2015, she was appointed to the Franklin H. Williams Judicial Commission, promoting racial and ethnic fairness in the courts, and in October 2017 she was appointed to the Commercial Division Advisory Council. She served as Presiding Member of the Judicial Section of the New York State Bar Association from June 2020 to May 2021 and is a member of the Commercial and Federal Litigation Section. She is also a longtime member of the New York City Bar Association, where she currently serves on the Council on Judicial Administration. Justice Kapnick is a Master of the New York American Inn of Court and past president of the Jewish Lawyers Guild, where she remains active as a member of the Board of Directors. She is also a longstanding member of the New York Women's Bar Association and a member of the New York Women Judges Association. A frequent lecturer for many bar associations, she has also received numerous awards over the years for her contributions to the legal community in New York.

Philip E. Karmel (Chapter 159, *Environmental and Toxic Tort Litigation*) is a partner in the New York office of Bryan Cave Leighton Paisner LLP. His litigation practice includes environmental and real estate litigation, land use matters arising under environmental review statutes and zoning laws, and the defense of toxic tort actions. He has tried a number of cases in federal and state courts and before administrative law judges and arbitrators and has briefed or argued motions or appeals in California, Colorado, Hawaii, Maryland, Montana, New York, Pennsylvania, Texas, Virginia, Washington, D.C., West Virginia and Wisconsin. He also counsels clients on environmental matters, including environmental impact statements, environmental permitting, environmental compliance, investigations by governmental agencies, the redevelopment of brownfield properties, environmental aspects of corporate and real estate transactions, and issues arising under the Clean Air Act and federal and state superfund and oil spill statutes. He has served as counsel for major energy, transportation and real estate development projects. Upon graduation from law school, Mr. Karmel clerked for the Hon. Edward R. Becker, U.S. Court of Appeals for the Third Circuit, and thereafter served for five years as a Trial Attorney in the Environmental Enforcement Section of the U.S. Department of Justice, Washington, D.C., where he received the Department's Special Achievement Award for sustained superior performance of duty. He received his J.D., *cum laude*, from the University of Chicago Law School, where he was an editor of the University of Chicago Law Review, and holds an M.Phil. in Economics from the University of Cambridge and a B.A. with Honors in Economics

from the University of Pennsylvania.

Brad S. Karp (Chapter 4, *Investigation of the Case*) is a litigation partner at Paul, Weiss, Rifkind, Wharton & Garrison LLP. Mr. Karp has been profiled as one of the leading lawyers in the United States by *The Wall Street Journal, The New York Times* and other leading publications, and has earned dozens of industry recognitions for his successful client representations and his role as a leader in the legal profession, the business community and the public interest sphere. Among many other recognitions, he has been named "Attorney of the Year" by the *New York Law Journal* and by *Lawdragon*, "Litigator of the Year" by *The American Lawyer* and by *Benchmark Litigation/Euromoney*, and one of the most innovative lawyers in the United States by the *Financial Times*. Mr. Karp's successful representation of financial institutions and other companies in "bet the company" matters was featured in an *American Lawyer* cover story, "The Lifesavers," in which Paul, Weiss was selected as the country's best litigation firm. For the past 40 years, Mr. Karp has written a monthly column for the *New York Law Journal*, "Second Circuit Review," which analyzes developments in the Court of Appeals for the Second Circuit. Mr. Karp clerked for the Honorable Irving R. Kaufman, U.S. Court of Appeals, 2nd Circuit. Mr. Karp attended Harvard Law School, J.D. 1984 *cum laude*, and Union College, B.A. 1981 *summa cum laude, Phi Beta Kappa*.

Jay B. Kasner (Chapter 62, *Fees, Costs, and Disbursements*) leads Skadden, Arps, Slate, Meagher & Flom LLP's national securities litigation practice, which has been recognized nine consecutive times as one of the Fearsome Foursome—the four elite litigation practices—and named a "powerhouse" in securities and finance litigation by BTI Consulting. Mr. Kasner is widely recognized as one of the country's top litigators handling securities, corporate and takeover litigation, and general commercial matters. He represents financial institutions, as well as a diverse group of public companies and their directors and officers in their most crucial securities matters, including actions arising under federal and state securities and corporate laws.

Mr. Kasner's victories before the U.S. Supreme Court and various appellate courts throughout the United States include securing a unanimous U.S. Supreme Court decision in the first case in which the Court addressed the provisions of the Securities Litigation Uniform Standards Act of 1998 (*Merrill Lynch v. Dabit*); a Second Circuit victory in which the Court adopted a standard for pleading noncausation that has been cited hundreds of times (*Lentell v. Merrill Lynch & Co. Inc.*); and more recently, successfully arguing issues related to the application of the U.S. Supreme Court's decision in *Morrison v. National Australia Bank* to class certification proceedings under Federal Rule 23, which was the first time a circuit court applied *Morrison* at the class

certification stage (*In re: Petrobras Securities*).

He has been ranked repeatedly in the top tier for nationwide securities litigation in *Chambers USA*, is one of only three lawyers listed in *Chambers* as a "star individual" for New York securities litigation, and received its Business Trial Lawyer Award for Excellence in 2018. He was named a 2018 Distinguished Leader by the *New York Law Journal*—which also recognized Skadden as its Litigation Department of the Year—and a 2018 Litigation Trailblazer by the *National Law Journal*.

Mr. Kasner is a graduate of Union College (B.A., *magna cum laude*, 1977) and Boston University (J.D., *cum laude*, 1980), and served as an editor of the Boston University Law Review.

Gregory Katz (Chapter 108, *Personal Injury*) is the National Managing Partner of Lewis Brisbois and a nationally recognized trial attorney with more than 35 years of experience defending clients in high-stakes civil litigation. As the firm's leader, Greg has leveraged his extensive courtroom experience and business acumen to modernize operations while preserving Lewis Brisbois' core values: legal excellence, professional growth, managerial transparency, and meaningful participation by partners across its nationwide platform. He has also championed the firm's commitment to diversity, equity, and inclusion, ensuring these principles are embedded at every level of the organization.

Greg's litigation career spans decades of defending complex cases in state and federal courts throughout New York. His clients include international and domestic insurance carriers, captives, managing general agents, and third-party administrators. He is trusted to handle high-exposure matters involving general liability, transportation, hospitality, New York Labor Law, construction litigation, environmental and toxic tort claims, and insurance coverage and bad faith disputes. His ability to achieve favorable results in challenging jurisdictions underscores his reputation as a strategic and formidable advocate.

Beyond litigation, Greg serves as a trusted advisor to insurers on program management, cost reduction, and operational efficiency. He has extensive experience with run-off programs and has helped clients streamline claims handling and improve performance. His leadership in the insurance industry includes serving on the Board of Directors for Target Markets and the National Risk Retention Association, as well as active involvement with CICA and VCIA, where he leveraged his expertise in captives and alternative risk solutions.

Greg serves as a co-chair of the firm's Transportation and General Liability practices. He also founded and oversees Lewis Brisbois' 24/7 Rapid Response Transportation Team and its National Trial Practice Team, reflecting his commitment to providing clients with immediate, strategic support in critical

moments.

The Honorable Mitchell J. Katz (Chapter 82, *Career and Practice Development*) was appointed as a United States Magistrate Judge in the Northern District of New York on January 4, 2024. He was previously a partner with Barclay Damon LLP and a member and practice group leader of its Commercial Litigation Practice Group. Judge Katz is a 1983 graduate of Binghamton University and earned his J.D. from Boston University School of Law in 1986 (*cum laude*). He was admitted to practice in the New York State Courts and in the Northern District of New York in 1987. Judge Katz was a shareholder and director of Menter, Rudin & Trivelpiece, P.C. from 1992 to 2018, and an associate and partner in Hiscock & Barclay from 1986 until 1992.

Judge Katz was a member of the Onondaga County Bar Association, Federal Court Bar Association for the Northern District of New York (past president), New York State Bar Association (past Chair of the Commercial and Federal Litigation Section), and New York State Chief Judge's Advisory Council on the Commercial Division.

He also previously served on the Boards of Temple Adath Yeshurun, Volunteer Lawyers Project of CNY and Syracuse Habitat for Humanity (past President).

Leah Kelman (Chapter 121, *Not-For-Profit Institution Litigation*) is a partner and co-chair of Herrick, Feinstein LLP's Litigation Department and the firm's General Counsel. Her dual leadership roles reflect her sound judgment, strategic insight and ability to provide guidance that minimizes risk and advances business objectives for both Herrick and its clients. Leah's litigation practice is broad and deep, spanning complex commercial disputes, class action defense, product liability, title insurance matters and high-stakes real estate and business conflicts. She has represented clients in state and federal courts across the country and is known for her ability to navigate multifaceted matters involving significant operational, financial, or reputational exposure. As Herrick's General Counsel, Leah's advisory role shapes how she practices—bringing heightened awareness of risk, ethics, governance, and strategic decision-making to both internal and client matters. Leah was named to the 2026 *Crain's New York Business'* Notable Women in Law list, honoring women who are raising the bar of excellence in a range of legal arenas.

Leah holds a J.D. from the University of Maryland School of Law and a B.A. from the University of Maryland Baltimore County.

Jeffrey L. Kessler (Chapter 21, *Parties*) is Co-Executive Chairman of Winston Taylor and is one of the world's leading antitrust, sports law, and trial lawyers. He has served as lead counsel in some of the most complex antitrust, sports, and intel-

lectual property litigations in the country, including major jury trials, and has represented a number of U.S. and international companies in criminal and civil investigations in the antitrust, sports law, trade, and Foreign Corrupt Practices Act (FCPA) areas.

Mr. Kessler formerly served as the co-chair of the firm's global Antitrust/Competition Practice and as the co-chair of the firm's Sports Law Practice. Law360 recently named both practices as a "Practice Group of the Year" for their respective categories. He focuses his practice on all aspects of antitrust/competition, sports law, complex commercial litigation, intellectual property (IP), and government criminal and civil investigations. He has served as lead counsel in some of the most complex antitrust, sports law, and IP law cases in the country, including major jury trials, and has represented many U.S. and international companies in criminal and civil investigations in the antitrust, trade, and Foreign Corrupt Practices Act (FCPA) areas. He successfully defended Matsushita and JVC against claims of a worldwide conspiracy in the landmark U.S. Supreme Court case *Zenith v. Matsushita* and is regarded universally as a leading commentator on international antitrust law. He has also been the lead counsel for important cases involving frontier issues of IP law and lead counsel in numerous government criminal and civil investigations. He is a member of the firm's Videogame, Gaming, and Esports Group, which provides comprehensive legal solutions to companies in the sector.

Mr. Kessler is also one of the United States' most prominent lawyers regularly engaged in high-profile sports litigation. He has litigated some of the most famous sports-antitrust cases in history, including the landmark college players-brought *Alston v. NCAA* case, in which, following Mr. Kessler's oral argument, the U.S. Supreme Court unanimously affirmed his and co-counsel's earlier "groundbreaking and disruptive" trial victory against the NCAA in this antitrust challenge to its no-compensation rules; *McNeil v. The NFL*, the watershed antitrust jury trial that led to the establishment of free agency in the National Football League (NFL); and *Brady v. NFL*, which led to the end of the 2011 NFL lockout. His sports sector clients have included the NFL Players Association (NFLPA), the National Basketball Players Association (NBPA), the Arena Football League Players Association, the National Hockey League Players Association, the Major League Baseball Players Association, the National Invitation Tournament (NIT), Wasserman Media Group, SCP Worldwide, MVP Sports, the U.S. Women's National [Soccer] Team (USWNT), the NFL Coaches Association, the Women's Tennis Benefit Association, Endeavor, Super Slam Ltd., Activision Blizzard, Adidas, Klutch Sports, and Players, Inc. He has represented various

classes of Division 1 college basketball and football players; other college athletes; elite swimmers; NBA, NFL, AFL, and MLS players; the North American Soccer League (NASL); the U.S. Football League; the Overwatch and Call of Duty Esports leagues; the Professional Bull Riders; Relevent Sports Agency, and the Cities of San Diego and Oakland, as well as Alameda County, in various sports law disputes. He negotiated the current free agency/salary cap systems in the NFL and NBA, and successfully represented Latrell Sprewell in his controversial suspension arbitration. In the area of NFL discipline, he represented the NFLPA on behalf of Ray Rice, Tom Brady (in "Deflategate"), Ezekiel Elliott, Adrian Peterson, and the "Bountygate" players. He represented pro bono Oscar Pistorius, the double-amputee athlete, in his successful arbitration to obtain the right to compete against non-disabled athletes around the world. Recently, he achieved a landmark equal pay class action settlement for the members of the USWNT.

This impressive experience has led Law360 to name Mr. Kessler as an MVP for Sports and Betting (2015; 2018–2022; and 2024) and Competition/Antitrust (2025). In March 2022 at the *Benchmark Litigation* East Coast Awards, he was honored as the "Antitrust Litigator of the Year," and the firm was recognized for its work on *NCAA v. Alston*, one of the National Impact Cases of the Year. He is also part of the group recognized with *GCR*'s 2022 "Litigation of the Year: Cartel Prosecution" award.

Thomas N. Kidera (Chapter 33, *Selection of Experts, Expert Disclosure and the Pretrial Exclusion of Expert Testimony*) is a partner in the New York office of Orrick, Herrington & Sutcliffe LLP. A 2010 graduate of Boston University School of Law, *cum laude*, Mr. Kidera's primary area of practice is complex litigation. Mr. Kidera has significant experience in matters relating to structured finance, representing securitization sponsors and loan servicers in an array of litigations ranging from securities fraud and loan repurchase disputes to ERISA class actions, also consulting on the interpretation of securitization documents and events of default. Mr. Kidera also represents Orrick's energy and infrastructure clients, specializing in particular in matters arising from issues of force majeure and market disruption. He was a member of the team whose force majeure-related victory on behalf of long-time client, Hemlock Semiconductor, was declared a Top 10 Business Case of 2010-2019 by the Michigan Bar Journal. In addition, Mr. Kidera represents auditing firms and accountants in regulatory proceedings commenced by the SEC and the PCAOB, as well related litigations. He maintains an active *pro bono* practice, representing asylum-seekers and veterans seeking discharge upgrades, and is active in Orrick's recruiting and retention efforts, serving on the Firm's Hiring and Professional Development Committees.

John S. Kiernan (Chapter 68, *Mediation and Other Nonbinding ADR*) is a retired partner of Debevoise & Plimpton LLP, who currently acts as a mediator and arbitrator, independently and in affiliation with Phillips ADR Enterprises, LLC ("PADRE"). At Debevoise Mr. Kiernan served on the Management Committee, co-chaired the Litigation Department and chaired the Ethics Committee, among other responsibilities. His representations embraced a broad range of commercial disputes and internal investigations, including disputes relating to contracts, purchases and sales of businesses, corporate governance, derivative and class action claims, international treaties, securities claims, patents and other intellectual property, consumer fraud, accountant liability and mass torts.

Mr. Kiernan is a past President of the New York City Bar Association. He has served since 2018 as Chair or Co-chair of the New York Chief Judge's Advisory Committee on Alternative Methods of Dispute Resolution, and is a member of the New York Permanent Commission on Access to Justice and the Commercial Division Advisory Council. He has chaired the boards of the International Institute for Conflict Prevention and Resolution (CPR), Legal Services NYC, the Lawyers Committee for Civil Rights, Prisoners Legal Services of New York, Volunteers of Legal Service, the Justice Resource Center, the William Nelson Cromwell Foundation and the Point o'Woods, N.Y. Association. He is a former mayor of Pelham Manor, N.Y. He received his B.A. in 1976 *magna cum laude* from Harvard and his J.D. in 1980 *magna cum laude* from Harvard Law School, where he was an editor of the *Harvard Law Review*. He served as a law clerk to the Hon. Walter R. Mansfield, U.S. Court of Appeals for the Second Circuit.

Louis B. Kimmelman (Chapter 100, *Warranties*) is an independent arbitrator with over forty years of experience in resolving international commercial, construction and investor-state disputes. Prior to January 2021, he was a partner in the law firm Sidley Austin LLP, where he had been a co-leader of the firm's global international arbitration practice.

Mr. Kimmelman is a Professor of Practice at Brooklyn Law School, where he teaches courses on International Commercial Arbitration and coaches the Brooklyn Law School Vis International Commercial Arbitration Moot Team. He is Chair of the New York International Arbitration Center, was co-chair of the Fordham International Arbitration and Mediation Conference (2015-25) and served as an Adviser to the American Law Institute project on the Restatement of the U.S. Law of International Commercial and Investor-State Arbitration.

Mr. Kimmelman is a graduate of Yale College (1972) and Yale Law School (1975) and served as a law clerk to the Honorable Leonard I. Garth of the U.S. Court of Appeals for the Third

Circuit (1975–1976).

The Honorable Orin R. Kitzes (Deceased) (Chapter 152, *Commercial Leasing*) served as a Justice of the Supreme Court of the State of New York, 11th Judicial District since 1995 and served in the Commercial Division from 2005 until his retirement in December, 2015. He had been a judge on various New York State courts since 1987, when he was appointed as a Housing Court Judge of the Civil Court of the City of New York, sitting in New York County. In 1989, he was elected to the Civil Court of the City of New York, Queens County, and was appointed by the Chief Administrative Judge as an Acting Supreme Court Justice in 1993. Prior to joining the bench, Justice Kitzes practiced law specializing in commercial matters and civil litigation. In addition, he served as a law secretary to the Honorable Israel Rubin from 1973 to 1986 and held this position with Justice Rubin in the Civil Court of the City of New York and Supreme Court of the State of New York. Justice Kitzes graduated from Brooklyn Law School in 1964 receiving his LLB degree and, in 1967, receiving an LLM degree.

Neal H. Klausner (Chapter 98, *Employment Restrictive Covenants and Other Post-Employment Restrictions*) is the co-chair of Davis+Gilbert LLP's Litigation + Dispute Resolution Group and the firm's general counsel. He has over 35 years of experience litigating complex commercial disputes in a wide variety of areas, including restrictive covenant and employment-related disputes and disputes concerning protection of trade secrets, breach of fiduciary duty, garden leave, the faithless servant doctrine and the purchase and sale of businesses. Neal is an experienced trial and appellate lawyer and mediator who has facilitated the resolution of numerous business disputes. He can be reached at nklausner@dglaw.com.

Alan M. Klinger (Chapter 39, *Practice Before the Commercial Division*) is a partner at Steptoe LLP and Chair of its Labor Group. He obtained his A.B., *magna cum laude*, from Princeton University and his J.D. degree from New York University School of Law, where he served as Editor-in-Chief of the Moot Court Board. Mr. Klinger served as Law Clerk to Judge Sidney Schreiber of the New Jersey Supreme Court.

Mr. Klinger's practice focuses primarily on complex litigation, often involving public sector unions and employee benefits funds. His government relations work involves representing clients in administrative proceedings, health care, and land use. Mr. Klinger often lectures and writes on issues involving public-sector union rights, the attorney-client privilege/work product doctrine and the Federal Rules of Civil Procedure. He currently serves on the boards of trustees of the NYU School of Law Foundation, the NYU Labor & Employment Center and the Lawyers Committee

for Civil Rights Under Law. He is an appointed Labor Member of the tri-partite NYC Board of Collective Bargaining. He is ranked as a "Leading Lawyer" in the field of Labor Management-Relations by *The Legal 500* and has been named a "Litigation Star" by *Benchmark Litigation* and recognized by *Best Lawyers* and *Super Lawyers*.

James B. Kobak, Jr. (Chapter 104, *Limited Liability Companies*) serves as Senior Ethics Counsel at Hughes Hubbard & Reed LLP where he was a litigation partner for over forty years and the firm's first general counsel. He is a former president and currently board member of the New York County Lawyers Association, Chair of the National Center for Access to Justice, and Vice President of the New York Bar Foundation. Mr. Kobak has written and spoken frequently on antitrust, intellectual property and professional responsibility topics and served for many years on the adjunct faculties of University of Virginia and Fordham Law Schools. He was lead counsel to the Trustee for the liquidations of the U.S. brokerage entities of Lehman Brothers, Inc. and MF Global, Inc. as well as other SIPA liquidations and has argued in the Supreme Court of the United States. He was awarded the New York County Lawyers Association President's Medal and the Rossman Memorial Award by the United States Patent and Trademark Office. With the encouragement of Bob Haig, he was one of the founders of the Denis McInerney NYCLA American Inn of Court.

Lance Koonce (Chapter 142, *Commercial Defamation*) is a partner and head of the litigation practice at Klaris Law, and specializes in intellectual property and media particularly in the context of new technologies, including Web3 and AI.

As a litigator, Mr. Koonce has tried multiple complex federal cases including jury trials, and has worked on a range of high-profile matters involving intellectual property and media issues over the past two decades, including recently *The Tolkien Estate v. Polychron* (copyright), *Resolute Forest Products v. Greenpeace Int'l* (First Amendment), *iFinex Inc. et al. v. State of New York* (press access), *Mujae Group v. Spotify* (trade secret) and *UMG v. OpenDeal* (trademark).

As a counselor and transactional lawyer, he provides advice to clients from individual authors and artists to startups to multinational corporations in industries including film, television, book and magazine publishing, music, news, advocacy, consumer products, art, and software. Much of his counseling work over the past five years has been on matters involving blockchain and digital assets, including NFTs.

Mr. Koonce was formerly a partner at Davis Wright Tremaine LLP, where he headed the firm's blockchain practice. Before that, he had stints on Capitol Hill and in book publishing. He has

served as co-chair of the subcommittee on Intellectual Property and Privacy of the Enterprise Ethereum Alliance's Legal Industry Working Group and as co-chair of the Law & Technology section of the New York County Lawyers Association, and is a member of the Media Law Resource Center, the American Bar Association and the Copyright Society. He is admitted to practice before the U.S. Courts of Appeals for the Second, Ninth and Federal Circuits, as well as a number of federal district courts.

A prolific writer and speaker, Mr. Koonce's publications include an article in Slate detailing his experience with a viral social media post, Viral Like Me, and his presentations include a session entitled "NFTs' Next Phase: Reshaping IP and the Content Economy" that he moderated for the 2023 Consensus conference. He is the co-author of the "Motion Practice" chapter in Copyright Litigation Strategies, published by the American Bar Association.

David H. Korn (Chapter 102, *Agency*) is a partner in Cravath, Swaine & Moore LLP's Litigation Department. He focuses his practice on complex litigation, particularly in the areas of antitrust, securities and general commercial.

Mr. Korn has been named to *Forbes*'s list of "America's Top Lawyers" and *Benchmark Litigation*'s "40 & Under List," which recognizes the "best and brightest litigators across the U.S. and Canada." Among other recognitions, he has been repeatedly recommended by *The Legal 500 US* for his work in media and entertainment, and included in *Lawdragon*'s "500 Leading Litigators in America," "500 Leading Global Antitrust & Competition Lawyers" and "500 Leading Global Entertainment, Media & Sports Lawyers" lists.

Mr. Korn received an A.B. with honors from Princeton University in 2008. He received a J.D. *magna cum laude* from Harvard Law School in 2013, where he was an editor of the *Law Review*. After graduation, he served as a law clerk to Hon. Stanley Marcus of the U.S. Court of Appeals for the Eleventh Circuit.

Victor A. Kovner (Chapter 142, *Commercial Defamation*) was a partner at Davis Wright Tremaine LLP in New York City, where he represented national and regional broadcast and print media clients in all aspects of communications law, including defamation, privacy, copyright press access, reporter's privilege, and related First Amendment issues and tort and contract claims. A co-founder of the Libel Defense Resource Center, Mr. Kovner served (formally as Chair) of the Legal Affairs Committee of the Magazine Publishers of America, on the Advisory Board of the Media Law Reporter, and on the Lawyer's Committee of the Association of American Publishers. He is a member of the Copyright Society of the United States and the Committee on Communications and Media Law of the Association of the Bar of the

City of New York (former chair), and was named as one of "America's Leading Business Lawyers" by *Chambers USA*, 2008 2009. Mr. Kovner is the Former Chair of the New York State Commission on Judicial Conduct, and served as Corporation Counsel of the City of New York. For more than 25 years, he served as regular lecturer at the Practicing Law Institute.

Elizabeth N. Krasnow (Chapter 64, *Appeals to the Appellate Division*) is a partner at Kelley Drye & Warren LLP in New York City. She has litigated civil disputes in state and federal courts across the country. Her practice focuses on all aspects of commercial litigation, including breach of contract, misappropriation of trade secrets, fraud, unfair or deceptive trade practices, and regulatory enforcement. Prior to joining Kelley Drye, Ms. Krasnow served as an Assistant District Attorney at the New York County District Attorney's Office for seven years, where she briefed and argued multiple appeals in the Appellate Division of the Supreme Court of New York and the United States Court of Appeals for the Second Circuit. Ms. Krasnow received her undergraduate degree from the University of Pennsylvania and her J.D. from the University of Connecticut.

Bill Kroger (Chapter 158, *Energy*), a partner with Baker Botts LLP and Practice Group Chair of the firm's Energy Litigation group, is one of the country's preeminent energy litigators. *Chambers USA* has ranked him Band 1 nationally for Oil and Gas Litigation every year from 2020 through 2026—a distinction held by fewer than five lawyers in the United States. *The Legal 500* has recognized him twice in its "Hall of Fame" for Oil and Gas Litigation and Electric Power. He has chaired Baker Botts' Energy Litigation group since 2008 and serves as Co-Chair of the firm's Energy pillar. Under his leadership, the group has been ranked Band 1 nationally by *Chambers* every year from 2020 to 2026—the only practice group in the country to hold that distinction—and Tier 1 by *The Legal 500* in Oil & Gas Litigation every year from 2010 to 2026 and in Electric Power Litigation since 2026.

Over a thirty-year career, Mr. Kroger has tried and arbitrated many consequential energy disputes in the United States. His practice spans the full energy economy: oil and gas upstream and downstream, LNG, pipelines, power generation, renewable energy, data centers, and energy trading. Mr. Kroger has represented clients in state and federal courts and in arbitrations throughout the United States, and has appeared before the Texas PUC, FERC, TCEQ, and numerous other state and federal energy regulatory agencies.

Mr. Kroger is a recognized leader of the Houston and Texas legal communities. He served as President of the Houston Bar Association for the 2020–21 bar year—which coincided with the

HBA's 150th anniversary—and has served on the State Bar of Texas Board of Directors for two separate terms, including on the Executive Committee in 2023–2024. In 2021, the Houston Bar Foundation awarded him the James B. Sales Pro Bono Award—its highest honor—for a lifetime of pro bono leadership. He was elected to the American Law Institute in 2017.

Since 2008, Mr. Kroger has served as Historian of Baker Botts, creating the firm's Founders Room in 2015. He chaired the Texas Supreme Court Historical Records Preservation Task Force from 2009 to 2018, work that led to the preservation of thousands of historical court records—coverage featured in *Texas Monthly* and the *Texas Bar Journal*.

Mr. Kroger represented the estate of folklorist Mack McCormick pro bono for seven years, resulting in the archive's acquisition by the Smithsonian Museum of American History and a Grammy-nominated anthology on Folkways Records. He serves on the Board and Executive Committee of Houston Grand Opera and as General Counsel of the Cullen Trust for the Performing Arts. Mr. Kroger has also been on the Board of Directors of Communities in Schools Houston ("CIS") since 1995, and will be serving as President of the Board of Directors beginning in 2026.

The Honorable William F. Kuntz, II (Chapter 38, *Referees and Special Masters*) is a United States District Judge for the Eastern District of New York. He was appointed to the Bench by President Obama with the unanimous consent of the United States Senate on October 4, 2011. Judge Kuntz holds his A.B., A.M., J.D. and Ph.D. degrees from Harvard University. Prior to his appointment to the Bench, he was a successful commercial litigator practicing in New York from 1978 until 2011. A Partner at the firm of Baker Hostetler LLP at the time of his appointment to the Bench, Judge Kuntz has served as Chair of the Executive Committee of the Practising Law Institute and the Executive Committee of the Association of the Bar of the City of New York. He has represented major financial institutions in the courts of both New York State and the United States of America in the Second, Third, and Eighth Circuits throughout his career. He has also served as the Chair of the Civilian Complaint Review Board of the City of New York, which reviews allegations of police misconduct against members of the New York City Police Department, and was a Commissioner on that Board from 1987 until November of 2010.

Dr. Kuntz, a resident of Cobble Hill in Brooklyn, New York, taught as an Associate Professor of Law at Brooklyn Law School on an adjunct basis for 16 years. His book, *Criminal Sentencing in Three Nineteenth Century Cities: The Social History of Punishment in New York, Boston, and Philadelphia, 1830–1880*, was published by Garland Publishing, Inc., in New York and London

in 1988.

John P. Langan (Chapter 82, *Career and Practice Development*) is Chair of Barclay Damon LLP where he has led the firm's growth from 50 attorneys with three offices to what is now 300 lawyers and the largest law firm based in Upstate New York. The firm's strategic evolution has resulted in a seamless platform of offices in midsize, major-market, and smaller cities across the Northeastern United States and Toronto. In his legal practice, Mr. Langan capitalizes on his experience as a former Wall Street project finance lawyer and trial lawyer at a well-respected New York firm. Mr. Langan spends considerable time counseling undergraduate and law school students on their career path in a variety of professional development programs at Colgate University and through a diversity mentoring program at Syracuse University School of Law. He is a featured speaker and writer on a variety of subjects and is the co-author of *Successful Partnering Between Inside and Outside Counsel*, a joint publication between Thomson Reuters Westlaw and the Association of Corporate Counsel. Mr. Langan received his B.A. from Colgate University and his J.D. from St. John's University School of Law, where he participated as a lead attorney on the school's Mock Trial Team.

Michael C. Lasky (Chapter 98, *Employment Restrictive Covenants and Other Post-Employment Restrictions*) is partner and co-chair of the Litigation + Dispute Resolution Group at Davis+Gilbert LLP and founder and chair of the firm's Public Relations Law Practice. He has over 35 years of complex commercial and business law experience and has litigated shareholder and partnership disputes, cases involving the purchase and sale of businesses, restrictive covenant and "garden leave" disputes, breach of fiduciary duty and "mass exodus" claims and cases involving the protection and exploitation of trade secrets. He has also used his extensive litigation experience to serve as a mediator under the auspices of the United States District Court for the Southern District of New York. He can be reached at mlasky@dglaw.com.

Mark D. Lebow (Chapter 37, *Calendar Practice*) is the Managing Partner in the New York office of Lebow & Sokolow LLP. He concentrates his practice in general commercial matters, including international corporate contracts and agreements, litigation, real estate and media law.

Mr. Lebow was previously a partner with 34 years of practice at Coudert Brothers, an international law firm with 25 offices around the world. Mr. Lebow was the administrative head of the firm's real estate department and administrative head of its litigation department. He is admitted to practice before the Supreme Court of the United States. He has tried commercial, contract, real estate and security cases in federal courts and in New York

State trial courts.

He is a former member of the Board of the Metropolitan Transportation Authority of the State of New York, the New York City Transit Authority, the Triborough Bridge and Tunnel Authority, the Long Island Railroad and Metro North Commuter Railroad. He is Chair of St. Francis Friends of the Poor, President of American Friends of Magen David Adom and Secretary of The Fortune Society.

Lisa LeCours (Chapter 147, *CPLR Article 78 Challenges to Administrative Determinations)* is a partner at Harris Beach Murtha Cullina PLLC with more than 30 years of experience in the field of appellate law, having spent 24 years at the New York State Court of Appeals, the state's highest appellate court. She also clerked in two intermediate appellate courts and served as an appellate litigator in the New York Solicitor General's office.

As a litigator with significant experience in administrative, business and commercial law, she represents commercial clients in CPLR Article 78 proceedings in New York courts and APA claims in federal courts and, in all manner of actions and proceedings, advises case teams on high-level legal strategy, drafts appellate briefs and critical motions, reviews briefs and motion papers authored by other attorneys, presents oral arguments in trial and appellate courts and prepares other attorneys for oral argument. In addition, she provides appellate consulting services to other firms, assisting them in developing successful litigation strategies and in navigating the complex jurisdiction of the New York appellate courts, particularly the Court of Appeals.

Prior to joining Harris Beach Murtha, she served as Chief Clerk and Legal Counsel to the New York Court of Appeals, the highest-ranking non-judicial position on the state's highest court. In that role, she led the staff, managed all day-to-day court operations, and provided counsel to the Judges on matters of jurisdiction, procedure, ethics and institutional policy. As Chief Clerk, she was one of three attorneys who attended the confidential conferences of the Judges, providing assistance as they worked through issues of substantive law and procedure, standards of review, corrective action and the intricacies of the Court's jurisdiction.

During her tenure at the Court of Appeals, in addition to the role of Chief Clerk and Legal Counsel, she held positions on the institutional staff and in chambers, including Executive Assistant (Chief of Staff) to the Chief Judge, Assistant Consultation Clerk and Senior Principal Law Clerk to Senior Associate Judge Victoria A. Graffeo. In those roles, she prepared confidential bench briefs on more than a thousand appeals and assisted with the drafting of hundreds of opinions. Prior to her time at the Court of Appeals, she clerked at the Third and Fourth Depart-

ments of the New York Supreme Court, Appellate Division. She also was an appellate litigator in the New York Solicitor General's office, where she handled more than 75 appeals, representing the governor, the comptroller and numerous state agencies in the Court of Appeals, all four Appellate Division Departments and the United States Court of Appeals for the Second Circuit.

Lisa has presented numerous continuing legal education programs on appellate-related and other topics, including CPLR article 78 proceedings, and taught a graduate-level course as an adjunct professor at Sage Graduate School.

Alexander B. Lees (Chapter 132, *Fraudulent Transfer*) is a partner in the New York office of Milbank LLP. He is the global practice group leader of Milbank's Litigation & Arbitration Group, as well as a member of the firm's Financial Restructuring Group. Mr. Lees's practice focuses on bankruptcy, insolvency, and restructuring-related litigation. He has represented creditors, debtors, private equity sponsors, official committees, ad hoc groups, collateral agents, bidders, and other parties in interest in bankruptcy cases and all types of litigation matters arising out of insolvency scenarios and financial restructurings. He also has litigated numerous fraudulent transfer cases, on both the plaintiff and defendant sides.

Mr. Lees graduated *magna cum laude* from Williams College in 2003, with a B.A. in philosophy. He graduated from Stanford Law School in 2006, where he was elected to the Order of the Coif. After law school, Mr. Lees was a law clerk for the Hon. Lewis A. Kaplan of the United States District Court for the Southern District of New York, and for the Hon. Debra A. Livingston of the United States Court of Appeals for the Second Circuit. Before joining Milbank in 2016, Mr. Lees practiced at Wachtell, Lipton, Rosen & Katz.

Anne C. Lefever (Chapter 134, *Theft or Loss of Business Opportunities*) is a Partner with Pillsbury Winthrop Shaw Pittman LLP. Ms. Lefever represents clients in large, complex commercial litigation in both state and federal courts, with a focus on aviation. She has extensive experience representing leading aircraft manufacturers, purchasers, suppliers and lessors in disputes relating to aircraft design, build, financing, sales, and leases.

Danielle Lesser (Chapter 105, *Joint Ventures*) is an experienced trial attorney whose diverse practice involves all phases of litigation. As Chair of the Business Litigation Department at Morrison Cohen LLP, Danielle leverages her extensive litigation experience to resolve a broad range of business, real estate and employment-related disputes. Clients turn to Danielle for guidance in crisis and dispute resolution. Respected by peers and opposing counsel for her keen ability to combine commercial

sensibilities with litigation savvy, including at trial, Danielle's no-nonsense approach and reputation benefit all parties, paving the way to practical solutions whenever possible.

Danielle regularly advises and litigates employment-related restrictive covenant issues and other claims arising under employment agreements. She also litigates a wide range of complex cases in state and federal courts and in arbitration, handling matters ranging from breach of contract, tortious interference with contract and fraud-based claims. She handles all phases of litigation from pleading through trial and appeal. Danielle represents publicly traded companies, privately held businesses, partnerships, LLCs and high net worth individuals across many industries ranging from real estate to consumer products.

Danielle regularly represents retail and other tenants in their disputes with their landlords. She has litigated key lease terms commonly found in retail leases. When clients are concerned about their lease obligations and want to understand what rights they have under their leases, she can help them quickly investigate and formulate a plan of action.

In a testament to Danielle's reputation and quality of service, she was appointed chair of the NYC Bar Judiciary Committee in 2023 after a careful selection process. As committee chair, Danielle evaluates candidates for election, reelection, appointment, reappointment, designation and certification to justice administration offices in New York State courts. She plays a key role in ensuring that candidates meet appropriate standards of professional competence and integrity and helping to encourage merit appointments and nominations for elective judicial office.

Andrew J. Levander (Chapter 11, *Comparison with Commercial Litigation in Federal Courts*) is a partner at Dechert LLP and previously served as its Chair from 2011 to 2023. He focuses his practice on high-profile white collar investigations and complex litigation. Cited as a leading lawyer by *Chambers USA* since 2004, Mr. Levander has tried more than 80 cases, and litigates and arbitrates in courts and tribunals worldwide. He represents clients in securities fraud and commercial litigation as well as criminal and regulatory investigations, regularly handling headline matters for executives and corporations. He is a fellow in the American College of Trial Lawyers, was named Litigator of the Year by the American Lawyer in 2018, and has been repeatedly recognized as a "White Collar MVP" by Law360 for his headline-making representations.

Mr. Levander received his B.A., *summa cum laude*, from Tufts University in 1973 and his J.D. from Columbia Law School in 1977, where he was a Kent Scholar and served as Notes and Comments Editor of the *Columbia Law Review*. Following law

school, he clerked for the Honorable Wilfred Feinberg of the United States Court of Appeals for the Second Circuit and served as an Assistant to the Solicitor General. Mr. Levander is a former Assistant U.S. Attorney for the Southern District of New York in the Securities and Commodities Fraud Unit and has been in practice for nearly five decades. Together with Judge Hector Gonzalez of the Eastern District of New York, Mr. Levander teaches a seminar on white collar investigations at Columbia Law School.

Ron Levine (Chapter 121, *Not-For-Profit Institution Litigation*) is an accomplished litigator with 45 years of experience advising consumer products companies in complex commercial litigation, with a focus on class actions and other multi-party litigation. Senior Counsel in Herrick, Feinstein LLP's Litigation Department, Ron is a pragmatic advisor who helps clients anticipate, minimize and resolve the financial and reputational damage arising from litigation. He regularly counsels clients on crisis management strategies, social media and privacy issues, and professional responsibility concerns. Ron is also a prolific author, who has written dozens of articles on trial practice, tort law and litigation strategy for a variety of national publications. He is an adjunct professor at Rutgers University and a neutral for the American Arbitration Association. Ron also serves on the Editorial Board for Law360. The New York County Lawyers' Association awarded him the Boris Kostelanetz President's Medal, in recognition of his contribution to Commercial Litigation in New York State Courts, Fifth Edition, a seminal publication about New York State law, legal strategies and the rules of procedure. Exceptional client service is a hallmark of Ron's practice. He was one of only 125 U.S. litigators named to BTI Consulting Group's Client Service All-Star list, based upon feedback from corporate counsel at major corporations. For nearly 15 years, Ron has been ranked as a top commercial litigator in New Jersey by Chambers USA.

Ron holds a J.D. from Harvard Law School and an A.B. from Princeton University.

Gregory A. Litt (Chapter 70, *International Arbitration*), a partner with Skadden, Arps, Slate, Meagher & Flom LLP, serves as lead counsel in U.S. and international arbitration matters and coordinates counsel in multijurisdictional disputes. Mr. Litt combines excellence in advocacy, careful attention to strategy and skillful coordination across jurisdictions to help his clients meet their commercial goals.

Mr. Litt has been listed among leading international arbitration counsel by *Chambers USA*, as well as named a National Practice Area Star and Litigation Star in *Benchmark Litigation*, a Rising Star in International Arbitration in *Euromoney's Guide*

to the World's Leading Experts in Commercial Arbitration and an ADR Champion by *The National Law Journal*. Additionally, he has been named one of *Lawdragon*'s 500 Leading Global Litigators and 500 Leading Litigators in America, recognized in *The Best Lawyers in America* for International Arbitration and named in *The Legal 500 U.S.* for his work on international sports matters. In addition, his team was previously named Transatlantic Arbitration Team of the Year by *The American Lawyer* and *Legal Week of London*.

Mr. Litt was a member of the Skadden team that won a $1.2 billion LCIA arbitration award for NTT Docomo of Japan in its dispute with Tata Sons of India in connection with an Indian telecommunications venture. The case was named Global Dispute of the Year for Commercial Arbitration in Asia by *The American Lawyer*, and the Skadden team was named Transatlantic Arbitration Team of the Year by *The American Lawyer* and *Legal Week* of London.

David Y. Livshiz (Chapter 13, *Comparison with Commercial Litigation in Foreign Courts*) is a New York-based partner in the litigation department of Freshfields US LLP. Mr. Livshiz has extensive experience litigating high stakes complex commercial disputes across a broad range of industries and practice areas, with a specific focus on handling cross-border litigations. Mr. Livshiz is admitted in New York, various U.S. federal courts, including the Supreme Court. He has been recommended for Commercial Litigation by Chambers, *Legal 500*, and Benchmark Litigation and has been selected as a rising star by *Legal 500*, the *New York Law Journal*, and *Super Lawyers*. He has published and spoken extensively on issues relevant to cross-border litigation, including the reach of US courts, cross-border discovery, and judgment and arbitral award enforcement. Mr. Livshiz is a graduate of New York University School of Law, where he was the symposium editor of the Annual Survey of American Law, and the University of Michigan. Early in his career, he clerked for Judge Theodor Meron of the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia.

Mitchell A. Lowenthal (Chapter 2, *Jurisdiction*) is Partner Emeritus at the firm of Cleary Gottlieb Steen & Hamilton LLP. He is a graduate of Cornell University (1978) and of its Law School (1981), and served as law clerk of the Honorable Edward Weinfeld, United States District Court for the Southern District of New York, during the 1982-1983 term. Mr. Lowenthal is a commercial litigator whose practice focuses on disputes arising out of the capital markets and mergers and acquisitions. He is a member of the Association of the Bar of the City of New York, the New York State Bar Association, and the American Law Institute. He is also a member of the Board of Directors of the Urban

Justice Center.

Jonathan D. Lupkin (Chapter 73, *Techniques for Expediting and Streamlining Litigation*) is a Partner and the Chair of the Commercial Litigation Practice at Rottenstreich Farley Bronstein Fisher Potter Hodas LLP. A litigator and trial lawyer with almost 35 years of experience, Mr. Lupkin has represented clients, including attorneys, law firms and members of the judiciary, in complex business disputes in state and federal courts and in alternative dispute resolution proceedings. His practice spans commercial banking, real estate, partnership disputes and dissolution, securities, derivatives, attorney malpractice and other professional liability matters, and the defense of white-collar professionals, corporate executives, and others in criminal and quasi-criminal investigations and prosecutions; he also has conducted internal investigations. Mr. Lupkin has tried complex jury and non-jury cases and has handled significant appeals, including the successful argument of a landmark case before the New York Court of Appeals concerning a commercial landlord's ability to require a tenant's waiver of the right to seek a *Yellowstone* injunction.

Mr. Lupkin is active in the leadership of the New York commercial litigation bar. He has served as Chair of the Commercial and Federal Litigation Section of the New York State Bar Association, as a member of the Chief Judge's Commercial Division Advisory Council, and as Co-Chair of its Subcommittee on Procedural Rules to Promote Efficient Case Resolution, where he has served as principal drafter for several amendments to the Statewide Rules of the Commercial Division. He has lectured extensively on trial and appellate practice, served as an instructor for the National Institute for Trial Advocacy and the New York State Bar Association's Commercial Litigation Academy, and moderated programs with, and presented programs to, state and federal judges, including the justices of the Commercial Division. He has been recognized by Super Lawyers as one of the "Top 100" attorneys in the New York Metropolitan Area and has been selected for inclusion in Super Lawyers in Business Litigation.

Mr. Lupkin received his B.A. from Columbia College in 1989 and his J.D. from Columbia Law School in 1992, where he was a Harlan Fiske Stone Scholar and served as Notes and Comments Editor and a member of the Administrative Board of the Columbia Law Review. Following law school, he served as law clerk to the Honorable Edward R. Korman of the United States District Court for the Eastern District of New York. He is admitted in New York, the United States Supreme Court, the United States Courts of Appeals for the Second and District of Columbia Circuits, the United States District Courts for the Southern, Eastern, and Northern Districts of New York, and the United

States Tax Court.

Brian G. Lustbader (Chapter 153, *Construction Disputes*) is a Partner in the Construction Law Group at Venable LLP. He is co-chair of the New York State Bar Association Real Property Law Section Construction Committee. Drawing on his experience managing his family's contracting business, as well as a civil engineering degree from MIT, Brian brings a unique business, technical, and legal perspective to his construction law practice. He primarily represents owners and developers, but has also acted as counsel for architects, engineers, contractors, and subcontractors. His experience as a contractor informs his representation of construction clients, having developed a deep understanding of the process from both sides. His work includes construction contract drafting and negotiation; alternative dispute resolution, including mediation and arbitration; and general litigation. His sharp writing and negotiation skills allow him to provide maximum value to his clients during all phases of construction projects. He has successfully resolved through mediation numerous construction disputes that had been hopelessly mired in litigation. He is a 1978 graduate of Columbia Law School, Harlan Fiske Stone Scholar, and 1975 Graduate of The Massachusetts Institute of Technology, B.S., Civil Engineering and Humanities, Massachusetts Institute of Technology, Phi Beta Kappa. He is regularly recognized in Best Lawyers in America, Chambers USA, Construction, New York, Super Lawyers, New York Metro.

Michael C. Lynch (Chapter 157, *Sports*) is chair of the Litigation practice at Kelley Drye & Warren LLP and a member of the firm's Executive Committee. Mr. Lynch has extensive trial experience both from his days as a prosecutor in New York City under the legendary Robert Morgenthau and in practice at Kelley Drye where he has been trial counsel on a number of complex, high-stakes IP, class action and commercial litigation matters. He has litigated all aspects of sports-related disputes involving trademark and copyright law, consumer fraud, false advertising, contract, publicity and other business related claims. Mr. Lynch received his undergraduate degree from the University of Richmond and his J.D. degree from Fordham University School of Law.

John M. Magliery (Chapter 40, *Commercial Cases in New York County for Less than $500,000*), a partner in the New York office of the law firm Davis Wright Tremaine LLP, is a commercial litigator with more than 20 years of experience in state and federal court, arbitration, mediation, and proceedings before regulatory agencies nationwide. He regularly practices in New York state courts, including the Commercial Division and the Appellate Division. He litigates general commercial and business

tort matters; debtor and creditor matters, including bankruptcy proceedings; disputes under the Uniform Commercial Code; real property disputes; breach of fiduciary duty claims; business separations; departing partner and employee disputes; and insurance disputes. Mr. Magliery also advises clients on how to avoid or compromise disputes and reduce litigation risks. He has defended and resolved hundreds of consumer class action cases. Representative matters include contract, business tort, payment default, loan workout, labor and employment, consumer protection, accessibility, leasing, construction, and intellectual property disputes. He has defended hundreds of accessibility claims involving websites and mobile apps and regularly defends retail companies in accessibility, ADA, and other civil rights and discrimination claims. In addition to courtroom work, Mr. Magliery represents clients before state and city civil rights departments and commissions and in arbitrations before the American Arbitration Association and JAMS.

The Honorable Joseph J. Maltese (Chapter 18, *Coordination of Litigation Within New York and Between Federal and State Courts*) served as an Associate Justice of the Appellate Division, Second Department of the Supreme Court of New York from January 2014 through December 2024. From 1996 until January 2014 he presided in the New York Supreme Court in Richmond and Kings Counties handling medical malpractice, product liability and mass tort cases, as well as general civil, commercial, and criminal matters. Prior to his service on the Supreme Court, he sat on both the New York City Criminal and Civil Courts in Kings and Richmond Counties from 1992 to 1996. Since 2015 Justice Maltese also served as the Presiding Justice of the Litigation Coordinating Panel, having been on the Panel since its inception in 2002.

Before coming to the bench, he was in private practice of law for 15 years concentrating in civil and criminal litigation. Prior to entering private practice, he was a law clerk to a judge. Justice Maltese is a member of the bars of New York, New Jersey, and Florida, as well as the federal District Courts of NY, NJ & FL, Second Circuit, and U.S. Supreme Court. He is a Fellow of the American Academy of Forensic Sciences and a Fellow of the Advanced Science & Technology Adjudication Resource Judge Program, now known as the National Courts & Science Institute.

Justice Maltese has a Doctor of Philosophy degree and a Master of Judicial Studies (Master of Laws for Judges) from the University of Nevada at Reno. He also earned Masters' degrees from New York University in International Relations & American Politics and Touro College in Forensic Examination, a Juris Doctor from New York Law School, and a Bachelor of Arts from the John Jay College of Criminal Justice of the City University of

New York. He is a member of the Phi Kappa Phi Honor Society.

Justice Maltese is an Adjunct Professor of Law at New York Law School where he teaches an interdisciplinary course on mass torts covering complex litigation, products liability and scientific evidence. He also teaches courses on scientific evidence to judges at the National Judicial College and at the New York State Judicial Institute. He has taught forensic scientists at Touro College and is a frequent lecturer to attorneys at continuing legal education seminars for the New York State Bar Association, New York State Trial Lawyers Association, the New York City Bar, the Practicing Law Institute, the Richmond County Bar Association, the Brooklyn Bar Association, the Columbian Lawyers Association and St. John's University School of Law. Justice Maltese was a Co-Editor of the *Resource Guide for Managing Complex Litigation* published by the National Judicial College and serves on the publications committee of the *Bench Book for Trial Judges of New York*. He is a Contributing Editor to *The Science Bench Book for Judges* published by the National Judicial College and the State Justice Institute.

Joseph Maltese served as a legal officer in the U.S. Army Judge Advocate General's Corps and as an Armor and as an Intelligence Staff Officer retiring from the U.S. Army Reserve after more than 30 years of service in the active and reserve components. During his last seven years in JAG, he served as a Military Judge for the U.S. Army Trial Judiciary, where he presided over active duty courts-martials in Germany, Panama and at several posts in the U.S. He is a graduate of the U.S. Air Force War College, the U.S. Army Command & General Staff College, as well as numerous courses at the Army & Air Force JAG Schools. After retiring from the U.S. Army Reserve, he joined the New York Guard and served as the Commander of the Civil Affairs Brigade retiring as a Brigadier General.

Alan Mansfield (Deceased) (Chapter 63, *Sanctions*) was a shareholder in the firm of Greenberg Traurig, LLP and served on the firm's Executive Committee. Mr. Mansfield concentrated on complex civil litigation and white collar criminal defense. He was a graduate of Brown University and Duke Law School, where he served as an editor of the Duke Law Journal. Mr. Mansfield was a Commissioner on the New York State Commission on Judicial Nomination. He was a member of the Executive Committee of the Section on Commercial and Federal Litigation of the New York State Bar Association, and a former Chair of its Trial Practice Committee. He was a Fellow of the American Bar Foundation, a Fellow of the New York Bar Foundation, a member of the Lawyers Committee of the National Center for State Courts, a director of the New York International Arbitration Center, and a director of MFY Legal Services, Inc. Mr. Mansfield

served as secretary of the Criminal Courts Committee and as a member of the Product Liability Committee and Criminal Advocacy Committee of the Association of the Bar of the City of New York. He was a frequent author on trial practice issues. He was a court appointed mediator for the United States District Court for the Southern District of New York, and was a former instructor at Cardozo Law School.

The Honorable Lawrence K. Marks (Chapter 86, *Civility)* performed a key management, policy, and legal role in the New York State Unified Court System for many years until his retirement in 2022.

In 2015, he was appointed Chief Administrative Judge of the Courts of New York State. As Chief Administrative Judge, he oversaw the day-to-day administration and operation of the statewide court system, with a budget of over $3 billion, 3,300 state and local judges and 15,000 nonjudicial employees in over 300 locations across the state.

Judge Marks previously served as First Deputy Chief Administrative Judge, the second highest-ranking administrative official in the court system. He also served as Administrative Director of the Office of Court Administration, responsible for day-to-day management of that office, as Special Counsel to the Chief Administrative Judge, and as OCA's Criminal Justice Counsel. Prior to joining the court system, he was a senior supervising attorney with the Legal Aid Society in New York City, in private practice, and a law clerk to U.S. District Judge Thomas C. Platt.

In 2009, he was appointed by Governor David Paterson as a Judge of the Court of Claims; he was re-appointed to that position in 2015 by Governor Andrew Cuomo. In addition to his administrative responsibilities, Judge Marks heard cases in the Commercial Division of the Supreme Court, New York County.

Judge Marks is the editor and co-author of a major treatise on New York Criminal Procedure Law (Volume 7 of West's New York Practice Series), and the author of numerous government reports and law review articles. He also has been an adjunct professor at the law school and graduate school levels. He has received many judicial leadership awards, including from the Judicial, Criminal Justice, and Family Law Sections of the New York State Bar Association.

He is a graduate of the State University of New York at Albany (*magna cum laude*) and Cornell Law School (*cum laude*), where he was an editor of the law review.

Richard T. Marooney (Chapter 32, *Requests for Admission*) is Managing Partner of King & Spalding LLP's New York office. He is an experienced trial lawyer who has tried cases before juries, judges and arbitration panels. His practice focuses on

corporate litigation, securities, mergers and acquisitions, auditor liability and international disputes in the financial services, accounting and energy industries. He represents both plaintiffs and defendants.

Chambers USA has identified Mr. Marooney as one of the top litigators in New York, where it states that he is "a great trial lawyer, with excellent instincts on case strategy." *Legal 500* recognizes Mr. Marooney as a top M&A litigator, stating he is "a consummate trial lawyer, quick on his feet...." *Benchmark Litigation* ranks Mr. Marooney as a National Practice Area Star. *Benchmark* has named him General Commercial Attorney of the Year and one of the Top 100 Trial Lawyers in America. He has been recognized as a Litigator of the Week by *The American Lawyer* and is a New York Super Lawyer.

Mr. Marooney has been a practice group leader and served two terms on both the firm's Policy Committee and Compensation Committee.

S. Starling Marshall (Chapter 57, *Rescission*), a partner with Crowell & Moring LLP, is a trial lawyer with over 15 years of experience who has successfully represented clients before federal and state courts, arbitration panels, and administrative tribunals. When clients face complex commercial and tax disputes, they rely on Starling as their advocate and counselor. Drawing on her years of government service and private practice, she guides clients toward business-minded solutions throughout all phases of an investigation or litigation.

Starling is a partner in the Litigation and Tax groups in the firm's New York office. In addition to representing clients in all stages of litigation, she guides clients through complex IRS audits and administrative appeals, provides tax-related advice, conducts internal investigations, and represents individuals and corporate entities in criminal tax matters.

Prior to entering private practice, Starling served as a trial attorney in the U.S. Department of Justice's Tax Division. During her time at the DOJ, she litigated cases before federal district courts and the Court of Federal Claims. Starling focused on complex tax shelter matters involving partnerships and penalty issues and cases in the energy industry, including cases involving Section 1603 grants for renewable energy projects and nuclear decommissioning liabilities. For her service, the DOJ awarded her the Outstanding Attorney Award (2015) and the Special Commendation for Outstanding Contribution (2013). From 2010 to 2014, Starling worked with the DOJ's Office of Legal Policy to vet candidates for the federal judiciary.

From 2008 to 2009, Starling served as a law clerk to the Hon. Victor Marrero of the U.S. District Court for the Southern District of New York.

Her pro bono work includes serving as lead counsel with the American Civil Liberties Union's Immigrant Rights Project and with ACLU-Utah in a *Bivens* action against U.S. marshals who raided a family's home on two successive days. Starling received the New York County Lawyers Association Conspicuous Service Award for authoring a chapter in "Commercial Litigation in New York State Courts," Fifth Edition, a joint venture of Thomson Reuters and the New York County Lawyers Association.

The Honorable Andrea Masley (Chapter 56, *Specific Performance*) is a Supreme Court Justice in the Commercial Division, New York County since 2017. She was elected to the Supreme Court of the State of New York, New York County, in 2016. For 10 years prior to her 2007 election to the New York City Civil Court, Justice Masley was the Principal Law Clerk to Justice Charles Edward Ramos in the Commercial Division of the New York State Supreme Court, New York County and Justice Louise Gruner Gans in Supreme Court, New York County. From 2005 to 2008, Justice Masley chaired the City Bar Association's Committee on State Courts of Superior Jurisdiction, which issued the first form confidentiality agreement adopted by the Commercial Division. In 2005, Justice Masley taught remedies at Fordham University School of Law. Upon graduation from Fordham University School of Law in 1991, where she earned her J.D., Justice Masley served as a litigation associate at the firm Dechert Price & Rhoads until 1995. Before joining the staff of the New York State Supreme Court in 1998, Justice Masley was Diversity Counsel at the City Bar Association. Prior to her legal career, she obtained an M.B.A. in finance and a B.A. in Economics, both from Rutgers University, and was the Trade Practice Specialist at the Better Business Bureau and an accountant at Bunge Corporation, a grain trading firm.

Peter J. Mastaglio (Chapter 66, *Enforcement of Judgments*) is a graduate of Manhattan University and New York University School of Law. After a tour of duty with the United States Marine Corps in Virginia and Vietnam, he joined Cullen and Dykman LLP in 1969, and is Senior Counsel to the firm. He resides at the firm's Uniondale office; Mr. Mastaglio's practice is concentrated in the area of commercial litigation.

Mr. Mastaglio has lectured at numerous seminars sponsored by the New York State and Nassau County Bar Associations and to the graduates of St. John's University School of Law on various procedural and substantive law topics. He is an active member of the New York State and Nassau County Bar Associations, is a member and 10th District Co-Chair of the New York Bar Foundation and serves as a member of the Committee on Character and Fitness for the Second, Tenth, Eleventh and Thirteenth Judicial Districts. He is the author of an article on real estate appraisal malpractice published in the New York State

Bar Journal.

Robert J. McCallum (Chapter 13, *Comparison with Commercial Litigation in Foreign Courts*) is a New York-based partner in the litigation department of Freshfields US LLP. Mr. McCallum represents clients in large scale commercial litigation, often with a cross-border component. His broad practice covers digital advertising, aerospace, financial services, entertainment, private equity, and software licensing. He is also at the forefront of Freshfields' integration of AI and agentic systems into legal practice, helping to shape questions of accountability, governance, and trust as AI moves from a supporting tool to an active participant in commercial litigation. Mr. McCallum has been recognized in a variety of industry publications, including *Super Lawyers* and the *Legal 500*. He holds first-class honors degrees in law from the University of Cambridge, England (LL.M.), and the University of Newcastle, Australia (LL.B.). At Cambridge, Mr. McCallum was a Scholar of Sidney Sussex College and a Fellow of the Cambridge Commonwealth Trust. He is admitted in New York, various U.S. federal courts, England and Wales, and New South Wales, Australia.

Mark E. McDonald (Chapter 12, *Comparison with Commercial Litigation in Delaware Courts*) is a partner with Cleary Gottlieb Steen & Hamilton LLP. His practice focuses on high-stakes shareholder and M&A litigation as well as complex commercial litigation and arbitration.

Mr. McDonald has extensive experience handling trials, appeals, and all other aspects of litigation in federal and state courts (including the Delaware Court of Chancery), including in disputes involving corporate governance, commercial contracts, private equity, and real estate.

Mr. McDonald has built a strong record of significant victories for his clients. He obtained a preliminary injunction of a $500 million transaction; defeated a preliminary injunction following a full-day evidentiary hearing in a breach of contract dispute; successfully obtained the Second Circuit's reversal of the denial of a preliminary injunction of arbitration of released claims; and obtained a highly favorable settlement just as the jury began deliberating after a five-day trial of breach of fiduciary duty claims in the Southern District of New York.

Mr. McDonald's substantial body of published work reflects his status as a thought leader in shareholder and M&A litigation. His articles are frequently published in *The M&A Lawyer, Harvard Law School Forum on Corporate Governance*, and the *Columbia Law School Blue Sky Blog*, and he is co-author of two chapters in *Business and Commercial Litigation in Federal Courts* ("Valuation of a Business" and "Shareholder Activism"). He is invited to speak on these topics regularly.

In addition to active litigations, Mr. McDonald routinely advises boards, corporate executives, and in-house counsel on fiduciary duties and litigation risk, including in connection with M&A transactions and corporate control disputes.

Glen McGorty (Chapter 57, *Rescission*), a partner with Crowell & Moring LLP, gets the first call from both global institutions and individuals alike when they are facing complex government investigations, "bet-the-company" enforcement actions, and high-profile criminal prosecutions. As a distinguished federal prosecutor in the Southern District of New York, an experienced criminal defense attorney, and seasoned trial lawyer, Glen has forged a reputation as a skilled, creative advocate, and an empathetic and thoughtful counselor for his clients. He has been recognized by Chambers USA since 2016 and his work as a federal monitor has earned him the respect and trust of the courts, the government, and the entities which he has been charged to oversee.

Glen is an experienced trial lawyer who served 15 years as a federal prosecutor in the U.S. Attorney's Office for the Southern District of New York (SDNY) and the U.S. Department of Justice (DOJ) in Washington, D.C.

He represents corporate entities and individuals in federal and state criminal and regulatory matters, and in investigations conducted by grand juries, congressional committees, independent and special counsel, and domestic and international law enforcement and regulatory agencies including the DOJ, Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission (CFTC), the Financial Industry Regulatory Authority (FINRA), the New York State Department of Financial Services (DFS), and various State Attorneys General. Glen has led internal investigations for many leading international companies and Fortune 100 multinationals across industries including, financial services, defense contracting, technology, communications, energy, and engineering.

Glen is an experienced independent compliance monitor. Since 2014, Glen has served as a Court-appointed federal monitor as the Independent Monitor of the New York City District Council of Carpenters and related Taft-Hartley benefit funds. Since 2021, he has served as part of the Court-appointed federal monitor team for the United Autoworkers of America, overseeing the union's historic union-wide referendum election and their first ever union-wide national mail-in ballot officer election.

Glen serves as co-chair of the firm's Litigation and Trial Department, managing partner of the firm's New York office, a member of the firm's Executive Committee, and a member of the White Collar and Regulatory Enforcement Group and the Financial Services Practice.

The Honorable Nicole McGregor Mundy (Chapter 9, *Third-Party Actions*) is a Judge of the NYS Court of Claims, having been nominated by New York State Governor Kathy Hochul on June 6, 2023, and confirmed by the New York State Senate on June 9, 2023. She presently sits as an Acting Justice in the Commercial Division in the NYS Supreme Court—Civil Term in Queens County.

Judge McGregor Mundy began her legal career in 1997 as a Staff Attorney for Rodman and Campbell, P.C., where she handled personal injury actions, and private and agency adoptions. She thereafter worked as a Staff Attorney for the Administration For Children's Services, Child Support Unit. Judge McGregor Mundy began her career in the Unified Court System in 2001 as a Court Attorney in NYC Civil Court in Queens County. She thereafter served as the Principal Law Clerk to the Administrative Judge of the Supreme Court of Queens County, Civil Matters, 11th Judicial District from 2003 to 2023, where her primary areas of practice were court administration, commercial litigation, and civil litigation.

Judge McGregor Mundy's professional association affiliations include: New York State Bar Association Commercial and Federal Litigation Section, 11th Judicial District Representative; Queens Supreme Court-Civil Term Equal Justice in the Courts (EJIC) Committee, Co-Chair; Franklin H. Williams Judicial Commission Advisory Group, former 11th J.D. Member; Women's Bar Association of the State of New York, former Nominations Committee, Alternate Delegate; and past President of the Association of Black Women Attorneys and the Queens County Women's Bar Association.

Judge McGregor Mundy served as a presenter on the following panels: "*Which Jurisdiction: State or Federal?*" (Second Circuit State-Federal Judicial Advisory Council CLE, September 2024); "*Lawyers in Need of Supervision*" (2023 Eileen Bransten Institute on Complex Commercial Litigation at Fordham University School of Law); and the Unified Court System of the State of New York, Office of Policy and Planning 2016 Foreclosure Seminar at CUNY Law School (November 14, 2016). She authored the following published articles: "*Technical and Complex Evidence Poses Difficulties*" (New York Law Journal, May 2, 2005); "*Shaping Careers in Law*" (NYLJ, May 1, 2006); and "*Let Justice Be Done Though Heaven May Fall*" (NYLJ, May 2, 2011).

Judge McGregor Mundy received her Bachelor of Arts degree from Howard University, and her Juris Doctorate from St. John's University School of Law.

Michael J. McNamara (Chapter 67, *Negotiations*) is a Senior Partner at Seward & Kissel LLP. He received an A.B. degree from Columbia College and a J.D. degree from Fordham Univer-

sity School of Law, where he was a member of Law Review. He has extensive experience representing financial institutions, investment companies and other corporate and individual clients in a wide variety of litigated matters, including state and federal court actions, arbitrations, mediations, investigations and regulatory proceedings and he has been recognized for his work in Business Litigation (New York Super Lawyers 2007–2025) and in Securities: Shareholder Litigation (Legal 500 2015). Mr. McNamara has also advised clients on a broad range of employment-related issues, including employment agreements, executive compensation, group hires, restrictive covenants and internal investigations of workplace issues, and he has written a number of thought leadership chapters on those topics. During the course of his career at Seward & Kissel LLP, Mr. McNamara served in a number of leadership roles in the firm, including Co-Chair of the Litigation Group. In addition, he has been actively involved in the organized bar and has held a number of leadership positions, including serving as President of the New York County Lawyers Association and a Vice President of the New York State Bar Association where he is the current Chair of its Finance Committee.

Rachel Mechanic (Chapter 80, *Marketing to Potential Business Clients*) is a partner in Ashurst Perkins Coie LLP's New York office. Rachel is an experienced litigator who represents corporate and individual clients in complex commercial litigations, securities enforcement proceedings, and white-collar criminal and regulatory proceedings. Rachel regularly defends clients in high-stakes, complex litigation matters involving a wide range of issues, including commercial disputes, securities regulations, complex financial products, fiduciary duties, and tort claims. Rachel also represents law firms and lawyers in professional liability disputes.

In addition to her litigation practice, Rachel routinely defends clients in investigations and enforcement actions conducted by the U.S. Department of Justice, U.S. Securities and Exchange Commission, Financial Industry Regulatory Authority (FINRA), and other governmental and regulatory bodies.

Gary J. Mennitt (Chapter 11, *Comparison with Commercial Litigation in Federal Courts*) is a partner at Dechert LLP and co-head of Dechert's International and Insolvency Litigation group. He concentrates on complex multinational litigation and contentious cross-border matters, with extensive experience leading creditors' rights, insolvency and bondholder litigation. Consistently ranked among the top litigators by multiple leading global publications, including *Chambers USA, The Legal 500 US* and the *New York Law Journal*, Mr. Mennitt represents clients in state and federal trials and appeals throughout the United States in complex matters where much is at stake. He has extensive first chair trial experience, having tried dozens of cases and

obtained large monetary awards.

Mr. Mennitt received his B.S. with Academic Honors from the University of Virginia School of Architecture in 1985 and his J.D. from Fordham University School of Law in 1990.

Neil Merkl (Chapter 144, *Social Media*) is a partner with Kelley Drye & Warren LLP and chair of the firm's Insurance Recovery and Counseling practice group. Mr. Merkl is a commercial lawyer and litigator with 30 years of experience in contract, commercial law and civil litigation. He graduated *cum laude* from the Fordham Law School in 1983. He counsels and assists in resolving disputes through mediation, arbitration and trials in U.S. state and federal courts in the financial services, life insurance, pharmaceutical and software industries. He also advises clients on social media strategies and the use of social media in litigation. He has been recognized as a leading practitioner in *New York Super Lawyers* since 2004. Mr. Merkl is a member of the Committee on Character & Fitness for the New York First Judicial Department and serves as Secretary for the Judiciary Committee of the New York City Bar Association, and serves on the Commercial Division Advisory Council, which is charged with advising on matters concerning the Commercial Division of the Supreme Court of the State of New York.

Jaclyn M. Metzinger (Chapter 140, *Right of Publicity Claims*) is a partner at Kelley Drye & Warren LLP and a seasoned litigator with more than 17 years of experience representing defendants in complex litigation nationwide. Her practice focuses on consumer class actions, false advertising and unfair competition claims, regulatory investigations and enforcement proceedings, employment disputes, and other high-stakes commercial matters in state and federal courts and arbitral tribunals. She also leverages her deep experience with consumer claims to defend clients in investigations and enforcement proceedings brought by the Federal Trade Commission and state Attorneys General and to prosecute false advertising claims against competitors. Ms. Metzinger's client base spans a wide array of industries, including food, beverage, dietary supplements, fashion, retail, financial services, healthcare, insurance, real estate, and others. Ms. Metzinger is the co-author of "Torts of Competition" in Thomson Reuters's Business and Commercial Litigation in Federal Courts, and has been a regular contributor to Kelley Drye's Ad Law Access blog. She has been recognized by US Legal 500 for her work in the area of Product Liability, Mass Tort and Consumer Class Action: Consumer Products (2022–2024) and Marketing and Advertising Litigation (2024–2025), was named to Benchmark Litigation's "40 and Under List" (2022, 2023) and to their "Litigation Future Star List" (2026), and has been repeatedly recognized by New York Metro Super Lawyers

(2014–2023, 2026).

The Honorable Marsha D. Michael (Chapter 89, *Contracts*) serves on the Appellate Division, First Department, where she hears appeals involving complex civil, commercial, criminal, matrimonial, and surrogate matters from New York and Bronx Counties. She was appointed to the Appellate Division in 2023 by Governor Hochul. Justice Michael's work involves sophisticated legal issues that shape New York's commercial landscape, including questions of contract interpretation, corporate governance, evidentiary standards, and procedural frameworks that drive high-stakes litigation.

Her appellate service builds upon her extensive judicial experience from her prior service on the New York State Supreme Court and the Appellate Term, as well as her foundational background in civil litigation and judicial opinion drafting.

Justice Michael also contributes to the advancement of the legal community through teaching, mentorship, and leadership roles. She has taught at Monroe College and currently serves as an adjunct professor at Cardozo School of Law. She leads a judicial internship and mentorship program that exposes high-school students to civil, criminal, and family court proceedings, and has held positions within the Gender Fairness Committee, the Supreme Court Justices Association of the City of New York, and the New York Women Judges Association.

Michael Campion Miller (Chapter 96, *Collections*) is a partner with Steptoe LLP and a member of the firm's Executive Committee. He represents clients in complex commercial litigation and international arbitration, white collar criminal and regulatory matters and internal investigations. He graduated from Boston College in 1982 with a B.A. in Economics, and from the Georgetown University Law Center in 1985. Following law school, Mr. Miller served as a prosecutor in the Frauds Bureau of the Manhattan District Attorney's Office. He has been in private practice since 1993. *Chambers USA* ranks Mr. Miller in two New York categories: Litigation: General Commercial (2011-present) and White-Collar Crime and Government Investigations (2021-present). Mr. Miller currently serves on Steptoe's Executive Committee, and is a member of the Board of Visitors at Georgetown Law. Mr. Miller lectures and publishes frequently.

Bill Monahan (Chapter 54, *Compensatory Damages*) is Head of Sullivan & Cromwell's Products Liability & Mass Torts Group and a partner in the Firm's Litigation Group. He focuses on "bet-the-company" products liability/mass tort, securities, shareholder/corporate governance, complex commercial, employment, and M&A litigation, as well as related governmental and internal investigations. For almost 25 years, Bill has represented prominent corporations and individuals in their most challenging

cases, including at jury and bench trials, before arbitration panels, and on appeal in federal and state courts across the United States. His corporate clients have included prominent automotive, pharmaceutical, healthcare, telecom, financial services, and software companies. He holds a B.S. from Cornell University and a J.D. from the University of Pennsylvania Law School.

Boaz S. Morag (Chapter 2, *Jurisdiction*) is Counsel at the firm of Cleary Gottlieb Steen & Hamilton LLP, resident in the firm's New York office. He is a graduate of New York University (1988) and of its Law School (1992), and served as law clerk to the Honorable Kimba M. Wood, United States District Court for the Southern District of New York, during the 1992–1993 term. His practice focuses on complex civil litigation and international arbitration and litigation. He has litigated numerous jurisdictional, venue, forum non conveniens and sovereign immunity issues in state and federal courts for private as well as sovereign clients. He has also litigated many issues involving the recognition and enforcement of foreign arbitral awards and judgments in this country. Mr. Morag is a member of the New York City Bar Association, New York State Bar Association, the Federal Bar Council and the American Bar Association.

Randall L. Morrison Jr. (Chapter 9, *Third-Party Actions*) is a partner in the law firm of Kelley Drye & Warren LLP in New York City. His practice focuses on complex commercial litigation across a range of industries. He is a trusted advisor to clients including multiple Fortune 500 companies, multinational corporations, hedge funds, and real estate lending platforms.

Morrison takes a strategic approach to dispute resolution, working to minimize the effects of litigation on his clients' operations and devising practical solutions that protect their businesses. He has successfully guided clients through high-profile litigations, internal investigations, and regulatory matters. Among other notable representations, his commercial litigation experience includes representing an international telecommunications company in obtaining dismissal of a complaint alleging a wide-ranging conspiracy related to the failed sale of a transcontinental fiber-optic telecommunications network, with the judgment affirmed by the Tenth Circuit; serving on a litigation team representing a national testing laboratory in a licensing dispute concerning the sale of testing kits that predict the effectiveness of certain cancer treatments; and defending a leading multinational payroll processor in multiple disputes alleging breach of contract, fraud, and related claims.

Morrison's real estate litigation experience includes obtaining an $18.9 million judgment against the guarantor of a multi-property commercial real estate loan, obtaining a $12 million

judgment against guarantors of a commercial loan for a hotel property, and successfully completing both judicial and non-judicial foreclosures in multiple states on commercial loans totaling over $550 million. In the area of bankruptcy-related litigation, he has represented an indenture trustee in litigation related to the iHeart bankruptcy and represented two leading real estate property management companies in litigation relating to the appointment of a receiver and a nationwide injunction obtained by a former tenant, and regularly represents unsecured creditors' committees across a range of industries, including apparel, furniture, restaurants, automative, and financial services.

Morrison began his legal career as an assistant corporation counsel with the New York City Law Department, where he represented the City of New York and its employees in a wide variety of disputes including admiralty, torts, and constitutional issues. He has been recognized in *The Best Lawyers in America* "Ones to Watch" (Woodward/White, Inc.) for Commercial Litigation in 2024 and 2025. Morrison is admitted to practice in New York and before the U.S. District Courts for the Southern and Eastern Districts of New York.

He received a B.A., with Dean's High Honors, from Connecticut College, and a J.D. from Brooklyn Law School, where he served as a notes and comments editor of the *Journal of Law and Policy* and was a member of the Moot Court Honor Society.

Jon Muenz (Chapter 113, *Securities Litigation*) is an experienced commercial litigator, with particular experience in bankruptcy, insolvency, and other distressed situations. Jon has represented debtors, official committees, secured and unsecured creditors, distressed investors, and other parties in litigated matters arising out of numerous high profile restructurings. Jon also has substantial experience in state and federal courts and various arbitral forums litigating disputes concerning contractual breaches, mergers and acquisitions, corporate governance, and class and derivative actions. Jon previously served as in-house litigation counsel for a Fortune 100 company.

Jon serves on the editorial board of the Enhanced Scrutiny blog, where the Sidley team provides timely updates and thoughtful analysis on M&A and corporate governance matters from the Delaware courts and, on occasion, from other jurisdictions.

Rahul Mukhi (Chapter 23, *Cross-Border Litigation*) is a partner at Cleary Gottlieb Steen & Hamilton LLP. Mr. Mukhi's practice focuses on criminal, securities, and other enforcement and regulatory matters as well as on complex commercial litigation. Mr. Mukhi joined the firm in 2005, and from 2010 to 2016, he worked in the U.S. Attorney's Office for the Southern District of New York as an Assistant U.S. Attorney. He was a lead prosecutor on significant cases involving public corruption,

cybercrime, financial and tax fraud, health care fraud, money laundering, and international organized crime. During his tenure, he conducted 10 jury trials and was responsible for some of the office's most high-profile matters. Mr. Mukhi received the Attorney General's Award for Distinguished Service, one of the U.S. Department of Justice's highest honors. He rejoined the firm as counsel in 2016 and became a partner in 2019. Both before and after his time at the U.S. Attorney's Office, Mr. Mukhi has represented numerous corporations and individuals in connection with government and regulatory investigations, and he has spoken and written about issues related to criminal law, anti-corruption, cybersecurity, and foreign sovereign immunity. He received a J.D. from Harvard Law School and a B.S. from Brown University.

Mark S. Mulholland (Chapter 152, *Commercial Leasing*) is a senior litigator at Ruskin Moscou Faltischek, P.C. located on Long Island in Uniondale, New York, and Chairman Emeritus of the firm's Litigation Department. He has represented domestic and international businesses, municipalities and individual entrepreneurs in all manner of disputes and in all forums including intellectual property, condemnation, antitrust, securities matters, licensing, unfair competition, copyright, trademark, contract disputes, constitutional challenges, RICO and beyond. Mr. Mulholland began his legal career serving as a Captain in the U.S. Army Judge Advocate General Corps, as a Special Assistant to the U.S. Attorney for the Central District of California, and later as a litigator at Willkie Farr & Gallagher in New York City. Mr. Mulholland was appointed to the New York State Judicial Salary Commission in 2011, and as Board Member of Brookhaven Memorial Hospital and Medical Center in 2008. Mr. Mulholland lectures and writes often on litigation topics, is a contributor to the New York Law Journal and serves as a Mediator in the Eastern District of New York's Federal Court Mediation Program.

E. Christopher Murray (Chapter 88, *Civil Justice Reform*) is a partner in the Litigation Department of Rivkin Radler LLP. Mr. Murray has more than 35 years of experience handling complex commercial litigation before federal and state courts, as well as arbitration panels. He graduated from SUNY Albany, *summa cum laude*, and Georgetown University Law Center, *cum laude*.

Mr. Murray has numerous reported trial and appellate court determinations involving contract disputes, partnership and corporate dissolutions, environmental claims, civil rights violations, defamation and employment discrimination. Recent representative cases include obtaining an injunction and jury verdict in favor of a public official who was defamed by a local blogger; a jury verdict against a large aerospace company that improperly

terminated a subcontractor's requirements contract; a jury verdict in favor of a property owner who had been maliciously prosecuted by a local village; and successfully defending a plumbing supply business against RICO claims.

Mr. Murray is active in the community currently and has served as Chairman of the Board of Trustees for Suffolk County Community College, the largest community college in New York State. Mr. Murray has also served as President of the Nassau Council of Chambers of Commerce, an organization representing 6,000 small business, and as President of the Mental Health Association of Nassau County. Mr. Murray has been a member of the Nassau County Board of Ethics, Nassau County Bar Association's Board of Directors and Judicial Screening Committee, and the Zoning Board of Appeals for the Town of North Hempstead.

He lives in Setauket, New York with his wife Patricia and four children.

Shawn P. Naunton (Chapter 156, *Gaming*) is the managing partner of the New York office of Zuckerman Spaeder LLP, one of the nation's premier litigation firms. Shawn has extensive experience litigating cases in state and federal courts in New York and nationwide, and representing clients in investigations by the Department of Justice, the New York County District Attorney's Office, the New York State Attorney General, the SEC, and FINRA. Shawn has been recognized as a Litigation Star in New York by *Benchmark Litigation* and as a *Super Lawyer* in New York, and he has been selected repeatedly by his peers as one of *The Best Lawyers in America*. The Public Justice Foundation also named Shawn one of its Trial Lawyers of the Year in recognition of his work on behalf of victims of international terrorism in *Linde v. Arab Bank plc*—the first case in which a U.S. jury found a bank liable for funding a terrorist organization. Shawn is a board member of the Lawyers' Committee for Civil Rights Under Law and is on the New York State Bar Association Board of Advisors for the Managing Partners Conference. Shawn is a graduate of the University of Virginia School of Law, where he served on the *Virginia Law Review*, and Princeton University.

Sharon L. Nelles (Chapter 30, *Document Discovery*, and Chapter 50, *Admissibility Issues*) is the Managing Partner of Sullivan & Cromwell LLP's Litigation Group and a member of the Firm's Management Committee. Sharon represents global companies and financial institutions and their boards in every aspect of critical company matters that implicate not only civil litigation but also related regulatory, congressional and criminal investigations, and enforcement actions.

Sharon has represented such clients as Moody's and JPMorgan Chase in managing the fallout of the subprime mortgage crisis.

She has done consumer litigation for Volkswagen, Microsoft, and Diageo. She has tried cases in state and federal courts on behalf of such clients as Microsoft, Eastman Kodak Company, and General Bank, and has represented prominent firms and individuals in proceedings before the Department of Justice, the United States Congress, the Securities and Exchange Commission, the Federal Trade Commission, HUD, the Federal Reserve Bank of New York, and several state attorneys general. Sharon frequently conducts investigations for corporate clients, special committees, and boards of directors.

Sharon has been recognized as a leading practitioner by industry publications, including in recent years as "Litigator of the Year" by *The American Lawyer*, an MVP for Securities by *Law360*, one of the "Top 10 Women in Litigation" by *Benchmark Litigation*, and a "Litigation Trailblazer" by *The National Law Journal*. In 2019, the New York State Bar Association presented her with the Honorable Shira A. Scheindlin Award for Excellence for her distinguished career in New York courts and for her commitment to mentoring young lawyers in the legal community.

Sharon earned her J.D. from Boston College Law School, M.A. from New York University and A.B. from Mount Holyoke College. She served as a law clerk for The Honorable Joseph A. DiClerico, Jr. of the United States District Court for the District of New Hampshire.

Lynn K. Neuner (Chapter 72, *Crisis Management*) is Global Co-Chair of Simpson Thacher & Bartlett LLP's Litigation Department. A Fellow of the International Academy of Trial Lawyers, American College of Trial Lawyers and the Litigation Counsel of America, Ms. Neuner is consistently named one of the "Top 100 Trial Lawyers" and "Top 10 Female Litigators" in the United States by Euromoney's *Benchmark Litigation*. She has the distinction of being *Chambers*-ranked in four fields: commercial litigation (Band 1), securities litigation, insurance coverage, and advertising disputes, and is also recognized by *The Legal 500*, and *The American Lawyer*. She focuses on litigation involving securities, mergers, insurance coverage and false advertising. Ms. Neuner tries high-stakes cases in federal and state courts, leads trial hearings in international and domestic arbitrations, and conducts evidentiary proceedings before the National Advertising Division. Her work includes the representation of Travelers in a trial victory related to Johnson & Johnson's massive talc-related bankruptcy proceedings which involved over $9 billion in proposed trust funding; Frontdoor in securing a preliminary injunction after a full evidentiary hearing enforcing a nationwide non-compete in expedited proceedings; Bayer in a false advertising dispute challenging promotional claims regarding J&J and Janssen Biotech's prostate cancer drug ERLEADA®;

The Toronto-Dominion Bank in resolving historic litigation related to Allen Stanford, orchestrator of one of the largest-ever Ponzi schemes; Pfizer in numerous indemnity disputes involving opioids, talc, asbestos, and consumer products and a securities class action lawsuit related to the acquisition of Cerevel by AbbVie; and Lloyd's and RSA, in three-week jury trial in connection with a business interruption and physical damage claim. Ms. Neuner has also been recognized as an "Unrivaled Litigator" by *Bloomberg Law*, a "Leading Commercial Litigator" by the *Daily Journal*, a "Litigation Trailblazer" by *The National Law Journal*, a star by the *New York Law Journal*, and one of the "Notable Women in Law" by *Crain's New York Business*.

Ms. Neuner joined Simpson Thacher & Bartlett LLP in 1994. She serves on the Firm's Executive Committee and has served as the Firm's Co-Administrative Partner. She has co-authored a column on the New York Court of Appeals for the *New York Law Journal*. Ms. Neuner is Chair of the Board of Directors of the Legal Aid Society, Chair of the Board of Trustees of Practising Law Institute (PLI), a past Vice President and Executive Committee Chair of the New York City Bar Association and a former Chair of the Board for the Yale Law School Alumni Fund. Ms. Neuner received her J.D. in 1992 from Yale Law School, where she served as Co-Editor-in-Chief of the *Yale Journal on Regulation* and the Director of the Thomas Swan Barristers' Union. She received her B.A., *summa cum laude*, from Williams College in 1989. In 1992–93, she clerked for the Hon. H. Lee Sarokin of the United States District Court for the District of New Jersey, and in 1993–94 she clerked for the Hon. John M. Walker, Jr., of the United States Court of Appeals for the Second Circuit.

John M. Nonna (Chapter 31, *Interrogatories*) is the Westchester County Attorney. His law department handles contract, regulatory and tort litigation by and against the County, Family Court litigation and representation of the County in transactional matters. He was previously a partner in the firm of Squire Patton Boggs (US) LLP and Le Boeuf Lamb Greene & McRae practicing in the area of commercial litigation and arbitration. He is a fellow of the American College of Trial Lawyers. Mr. Nonna has lectured at numerous conferences on various topics, including trial practice, arbitration and mediation, insurance and reinsurance coverage, commercial torts, and the attorney-client privilege. He has served as chair of the Board of Trustees of Westchester Community College and as co-chair of the Lawyers Committee on Civil Rights Under Law for which he acted as pro bono counsel in voting rights cases. Additionally, Mr. Nonna was the Mayor of Pleasantville, New York and served on the Westchester County Board of Legislators. Mr. Nonna is the author and co-author of numerous articles, and served as the Co-Editor-in-Chief of Insur-

ance Law Practice treatise of the New York State Bar Association. He chaired the Association's Commercial and Federal Litigation Section and its Committee on Federal Legislative Priorities. He is a member of the Association Committee on the New York State Constitution. Mr. Nonna received his J.D. in 1975 from New York University, where he was Editor of the Review of Law and Social Change, and a member of Order of the Coif. He received his A.B. in 1970 from Princeton University.

Timothy P. Noonan (Chapter 148, *Tax*) is a partner at Hodgson Russ LLP. Mr. Noonan focuses his practice in the state and local tax area, and his work primarily involves New York State and New York City tax litigation and controversy. Over the past 25 years, he has handled more than 3,000 personal income tax, sales tax, corporate tax, or other New York tax audits. He has also handled approximately 100 cases in New York's Division of Tax Appeals.

Mr. Noonan leads the firm's Tax Residency Practice and he is one of the leading practitioners in this area of the law. He has handled some of the most high-profile residency and personal income tax cases in New York over the past decade, including a 2014 win in *Gaied v. Tribunal*, one of the first New York residency cases to ever reach New York's highest court. Mr. Noonan has recently co-authored two books: the 2018 Edition of the *CCH Residency and Allocation Audit Handbook, and Contesting New York Tax Assessments*—Fourth Edition, published by the New York State Bar Association. He also has served as a contributing author or editor for several other tax publications and treatises, including the American Bar Association's Sales and Use Tax Deskbook, the "*New York Sales Tax Guide*" published by practicallaw.com, the corporate apportionment chapter in Thomson Reuters' Checkpoint Analyst, and the New York chapter of LexisNexis's Practice Insights. In addition, as the "Noonan" in "*Noonan's Notes*," a monthly column in Tax Analysts' Tax Notes State, Mr. Noonan is a nationally recognized author and speaker on state tax issues. He has written more than 400 articles in state and local tax publications over the past two decades, and he runs the award-winning Noonan's Notes Blog, where he and his colleagues offer regular commentary on developments in the world of New York and multistate tax law.

Mr. Noonan also has handled a significant number of residency and sales tax issues in other states, including work with many national and international clients on multistate compliance or voluntary disclosures. He has also appeared before the Connecticut Supreme Court and the Michigan Court of Appeals in litigated matters and is admitted to practice law in New York and Connecticut.

John P. Nowak (Chapter 131, *Fraud*) is a partner in McDermott Will & Schulte's Litigation Department and Co-Lead

of the firm's SEC Enforcement Practice. Mr. Nowak represents corporate entities and their executives and boards in litigation, internal investigations and government inquiries involving allegations of fraud, accounting disclosures, sales practice abuse, securities violations, conflicts of interest, and related party transactions. A significant portion of his practice has been devoted to representing financial services institutions and investment advisers, as well as their senior principals and traders. Mr. Nowak has spent the entirety of his 20-year career investigating, prosecuting and defending fraud claims, including some of the most well-known fraud prosecutions and claims in New York and nationally.

Earlier in his career, Mr. Nowak was the Deputy Chief of the Business and Securities Fraud Section of the United States Attorney's Office, EDNY. He was also a Branch Chief, Enforcement Division, at the SEC. Mr. Nowak is admitted to the bars of New York and Massachusetts, and is admitted to practice before the United States Courts of Appeals for the Second and Third Circuits, and the United States District Courts for the Southern and Eastern Districts of New York. He graduated from the University of Richmond School of Law, with honors, and from the College of the Holy Cross with a degree in Mathematics.

Sarah O'Brien (Chapter 82, *Career and Practice Development*) is a partner at Barclay Damon LLP. Since joining the firm as a summer associate, she has risen through the ranks, serving in various leadership roles, including as a liaison for summer associates, a near-peer mentor for younger attorneys, and Buffalo representative of the firm's Associate Integration Committee. She is a member of the firm's Opportunity, Inclusion & Belonging Partner Committee and serves as the co-partner for these initiatives in the firm's Buffalo office. Sarah is also an active member of Barclay Damon's Women's Forum.

In her legal practice, Sarah focuses on state and federal commercial litigation matters involving a variety of business disputes, including breach of contract, shareholder disputes, corporate fraud, noncompete, business tort, and business divorce matters, across a wide range of industries. She also handles commercial construction and surety matters, routinely representing construction companies, including general contractors, subcontractors, and suppliers, in contract disputes and other lien matters. Additionally, Sarah's experience includes representing clients in securities and other complex financial products litigation as well as technology, data protection, privacy, and other cybersecurity matters.

Sarah earned her Juris Doctor, *cum laude*, from the University at Buffalo School of Law, where she served as an Articles

Manager for the *Buffalo Journal of Gender, Law & Social Policy*. She also graduated *cum laude* from Hobart and William Smith Colleges with a Bachelor of Arts in Public Policy and a minor in Economics.

Steven E. Obus (Chapter 44, *Trials*), a partner in the Litigation Department at Proskauer Rose LLP, has had extensive experience in both the public and private sectors litigating significant cases.

Prior to coming to the firm, Mr. Obus was an Assistant U.S. Attorney for the Southern District of New York, where he served as Chief of the Civil Rights Unit, Chief Appellate Attorney and Chief of the Civil Division. Since joining Proskauer, Mr. Obus has tried numerous cases in the federal and state courts, and before arbitrators, including the defense, through a six-week jury trial, of a massive federal securities fraud class action, as well as the prosecution, through a three-week jury trial, of an action for common law fraud and statutory violations. He has handled a wide variety of commercial matters, including the prosecution of significant credit risk and professional liability insurance recovery claims, and the defense of antitrust and securities class actions, derivative claims, false advertising claims and employment-related claims, as well as many other contract, fraud, defamation and unfair competition matters. Mr. Obus also has frequently represented health care providers in cases that have presented issues ranging from the validity of exclusive contracts with specialty practice groups to a comatose patient's "right to die."

In addition to practicing law, Mr. Obus has served as an instructor at the U.S. Attorney General's Advocacy Institute and at the National Institute of Trial Advocacy (Northeast Region), and has lectured on federal appellate advocacy for the New York State Bar Association.

Elizabeth A. O'Connor (Chapter 103, *Partnerships*) is a partner at the law firm of Tarter Krinsky & Drogin LLP. She joined the firm as a partner on July 1, 2018, after having been a partner in Flemming Zulack Williamson Zauderer LLP since 1999. She has counseled partnerships regarding governance and internal disputes and has represented partnerships and individual partners in litigation with former partners and third parties. She graduated with honors from New York University School of Law, where she was a member of the Order of the Coif and Law Review.

Kathleen Orr (Chapter 78, *Litigation Technology*) is Managing Director of Practice Innovation at Orrick. Her work has helped position Orrick among the Financial Times' Top 10 Most Innovative Law Firms Globally of the past 20 years, reflecting a sustained focus on client-centered design, operational excellence, and scalable solutions. A former litigator, Ms. Orr represented

commercial clients in complex litigation across the United States before moving into innovation leadership. Named as one of the Most Innovative Intrapreneurs by the Financial Times in 2022, she brings a practitioner's perspective to legal service delivery and collaborates with cross?functional teams to modernize workflows, improve efficiency, and enhance outcomes for clients.

Ann-Elizabeth Ostrager (Chapter 65, *Appeals to the Court of Appeals*, and Chapter 129, *The Interplay Between Commercial Litigation and Criminal Proceedings*) is a partner in Sullivan & Cromwell LLP's Litigation Group, co-head of the Firm's Employment Law Group, and a member of the Firm's Workplace Investigations, Criminal Defense and Investigations, and Trade Secrets Groups. Her diverse practice includes trade secrets matters, regulatory and internal investigations, employment litigation, mediation, and advisory work. She has successfully litigated high-stakes discrimination matters and achieved favorable resolutions of government and internal matters without public attention. She also frequently advises clients on their workplace policies and practices.

Ms. Ostrager is recognized by *Chambers USA* and *The Best Lawyers in America* for Labor and Employment. She was named a Top 50 Labor & Employment Litigator and a Future Star by *Benchmark Litigation*, a Rising Star by *New York Law Journal*, and one of *Lawdragon*'s 500 Leading U.S. Corporate Employment Lawyers. She also was named an Empire State Counsel Honoree by the New York Bar Association for her commitment to pro bono. In 2026, she became a Fellow of the Litigation Counsel of America's Trial Lawyer Honorary Society.

Ms. Ostrager earned her J.D. from New York University School of Law and her A.B. from Princeton University. She clerked for the Honorable Dennis Jacobs and the Honorable Richard C. Wesley, both of the United States Court of Appeals for the Second Circuit.

Michael J. Pastrick (Chapter 97, *Contracts for Services*) earned degrees from SUNY Geneseo and the University at Buffalo Law School. He began his career as a staff attorney at the Appellate Division, Fourth Department, in Rochester before engaging in private practice in Buffalo. He subsequently served as counsel to Justice Eugene M. Fahey at the Appellate Division, Fourth Department, and at the New York State Court of Appeals. He now serves as counsel to Eighth Judicial District Administrative Judge Hon. Amy C. Martoche, as an adjunct professor of law at the University at Buffalo Law School, and as a town justice in Orchard Park. He is married to Erin Storey Pastrick, and they reside in Orchard Park with their two children.

The Honorable Anar Rathod Patel (Chapter 61, *Court-Awarded Attorneys' Fees*) was appointed to the New York State

Court of Claims by Governor Kathy Hochul in June 2022, and, upon her appointment, was designated as an Acting Justice of the Supreme Court of the State of New York. From June 2022 through February 2024, Justice Patel was assigned to preside over civil cases in the Ninth Judicial District, Westchester County. In March 2024, Justice Patel was assigned to the Commercial Division, New York County.

Prior to her appointment, Justice Patel was Counsel in the Litigation Department of Simpson Thacher & Bartlett LLP in New York, where she practiced in the areas of complex commercial litigation and government and internal investigations. She represented and advised corporate clients in connection with contract disputes, securities matters, and mergers and acquisitions, and counseled multinational corporations, boards of directors, and individuals in matters involving global compliance, anti-corruption, criminal prosecutions, regulatory enforcement actions, and related civil litigation. Justice Patel was also actively involved in the firm's *pro bono* practice, including work on federal criminal matters and immigration, asylum, and removal proceedings.

Justice Patel also served as an adjunct law professor at Columbia University Law School, where she taught Legal Writing.

Justice Patel received her Juris Doctor, *cum laude*, from Northwestern University School of Law in 2010, and her Bachelor of Science, with honors and distinction, from Cornell University in 2004. She served as a law clerk to the Honorable William F. Kuntz, II of the United States District Court for the Eastern District of New York. Prior to entering law school, Justice Patel worked in the investment banking industry at Lehman Brothers and Rothschild, Inc.

Justice Patel is appointed to the Appellate Division, Second Department Task Force on Artificial Intelligence, the New York State Continuing Legal Education Board, and the LJA & AAJNY Joint Commission. She is a member of the Federal Bar Council, New York City Bar Association (Civics Education Taskforce), New York State Bar Association (Commercial & Federal Litigation Section), South Asian Bar Association of New York, and Asian American Judges Association of New York.

David A. Picon (Chapter 123, *Broker-Dealer Litigation and Arbitration*) is a partner in Proskauer Rose LLP's Litigation Department and a member of both the Commercial Practice and Corporate Defense Group. He has represented alternative funders, broker-dealers, banks, funds, and other financial service organizations in federal and state courts, arbitral tribunals and before regulatory authorities.

Mr. Picon has extensive trial experience, having participated in dozens of trials or arbitration hearings (including under the

auspices of FINRA, JAMS and the American Arbitration Association), throughout the country. His trials and arbitrations have involved a wide range of issues, including complex securities and bankruptcy-related matters, and contract, employment-related and corporate governance disputes. He also represents financial service organizations in investigations brought by the SEC, state attorneys general and other regulatory bodies.

Mr. Picon is a frequent panelist for high-profile organizations on topics focused on the financial services industry.

Lee Popkin (Chapter 53, *Jury Conduct, Instructions and Verdicts*) is a partner in Proskauer's Litigation Department and serves as co-head of the firm's Mass Torts & Product Liability practice. Recognized as "an emerging go-to talent," by *Chambers USA*, Lee has significant experience trying high-stakes cases in state and federal courts throughout the country. Her diverse practice spans complex commercial, product liability, and antitrust litigation and includes clients in the pharmaceutical, agricultural, consumer product, sports, and financial services industries. Lee was named Young Lawyer of the Year (Litigation) by *The American Lawyer* for 2022 and shortlisted for Product Liability Lawyer of the Year in Euromoney's Women in Business Law awards in 2023 and 2024. Lee is ranked by *Chambers USA* for Commercial Litigation and recognized by *The Legal 500* for her work in Product Liability and Mass Torts. *Benchmark Litigation* named Lee among its "Litigation Stars" and included her in its '40 and Under' list.

Brendan Quigley (Chapter 158, *Energy*), a partner with Baker Botts LLP, is a first-chair trial lawyer who represents companies, boards, and executives in high-stakes government litigation and investigations and in commercial disputes. An experienced advocate who has conducted over a dozen trials, a former U.S. government prosecutor in the Southern District of New York, and a U.S. Marine combat veteran, Mr. Quigley brings a combination of courtroom skill, prosecutorial insight, and battle-tested judgment to every matter. Described in industry publications as "highly skilled" with a "methodical analytical approach," (*Chambers USA* 2026), he combines the courtroom expertise of "a really good advocate" and a "great defense lawyer" (*Chambers USA* 2025) with "a calm approach to advising clients," providing "real and practical solutions" (*Chambers USA* 2026).

Before joining Baker Botts, Mr. Quigley served as an Assistant United States Attorney in the Southern District of New York, investigating and prosecuting complex cases in two of the Office's most elite sections: the Securities and Commodities Fraud Unit and the Terrorism and International Narcotics Unit. During his seven years as an AUSA, Mr. Quigley gained extensive first-chair trial and appellate experience, trying 12 cases to verdict, includ-

ing numerous complex, multi-week trials, and briefing and/or arguing 10 appeals before the Second Circuit. This experience gives him critical insight into how federal prosecutors build cases, evaluate evidence, and make charging decisions—insight he now draws on to advise, advocate for, and protect his clients.

Mr. Quigley's investigations practice focuses on white-collar criminal defense and investigations, securities and commodities enforcement, and False Claims Act investigations and litigation. Having first-chaired over a dozen trials, he has the experience and know-how to fight the government in court, but many of his most rewarding representations have involved helping clients resolve sensitive matters at an early stage, before charges were ever brought, through proactive advocacy and strategic counsel.

Mr. Quigley's trial experience also extends to high-stakes commercial litigation. He represents clients as both plaintiffs and defendants in complex disputes, focusing on matters in the energy, technology, and financial services industries. His recent successes include prevailing at trial in the Delaware Court of Chancery in a dispute among shareholders of a closely held corporation, serving as key member of a team that prevailed in an intercreditor indenture litigation in federal bankruptcy court, and successfully defeating a securities fraud lawsuit against a fintech company in New York state court.

Earlier in his legal career, Mr. Quigley spent a year clerking for the Honorable Joseph F. Bianco, then a U.S. District Judge in the Eastern District of New York, now of the Second Circuit.

Mr. Quigley also served as an active-duty combat-arms officer in the U.S. Marine Corps between 2001 and 2005, receiving an honorable discharge as a Marine Captain. During his service, he completed two tours of combat duty in Iraq and learned important lessons about preparation, calmness under pressure, and commitment to mission, which he continues to draw on today.

The Honorable Martin E. Ritholtz (Chapter 73, *Techniques for Expediting and Streamlining Litigation*) is a retired Justice of the Supreme Court of the State of New York.

Justice Ritholtz received his B.A. from Columbia College in 1968, and his LL.B. from Hebrew University of Jerusalem Law School in 1974. He was admitted to the Israeli Bar in February 1975. At the Justice Ministry in Jerusalem, he clerked for the Honorable Meir Gabay, who served simultaneously as the Commissioner of Patents, Trademarks, and Industrial Designs, and as the Deputy Attorney General of the State of Israel. Thereafter, he clerked in Tel Aviv at the law offices of S. Horowitz & Co., which specializes in commercial litigation.

In October 1976, Justice Ritholtz was admitted to the New York State Bar, and was affiliated with the law firm of Ritholtz & Ritholtz, as a private practitioner, until June 1978, when he

joined the court system as a law clerk. He served in Queens County Civil Court until 1980 and continued his service as law clerk to four justices in Queens County Supreme Court until his election as Judge of the Civil Court of the City of New York in 1995.

In February 2000, he was appointed as an Acting Supreme Court Justice, and in 2001 he was elected as Justice of the Supreme Court. During his tenure, Justice Ritholtz presided over the Centralized Compliance Settlement and Conference Part in the 11th Judicial District, where he dealt with contentious and complex ESI and other discovery issues. While maintaining an active trial part, he also served as a Commercial Division Justice for the 11th Judicial District until his retirement from the bench at the end of December 2016.

In January 2017, Justice Ritholtz joined Shiboleth LLP as Special Counsel, handling complex commercial litigation matters on behalf of the firm, until its merger with Smith, Gambrell & Russell LLP in January 2020.

Presently, Justice Ritholtz serves, inter alia, as an arbitrator and mediator at Resolute Systems, LLC.

Justice Ritholtz lectured as an Adjunct Professor of Law at Touro College, School of Law, from 1984 to 1988. He served as Editor of the Queens Bar Bulletin, the official publication of the Queens County Bar Association, from 1985 to 1987. From 1985 to 1999, Justice Ritholtz chaired the Continuing Legal Education Committee of the Queens County Bar Association. From 1999 to December 2016, he served as Dean of the Academy of Law.

In 1986, Justice Ritholtz was the President of the Brandeis Bar Association of Queens County. In April 1999, he was the recipient of the William Goodstein Memorial Award, presented by the Association of Law Secretaries of New York City for distinguished service to the judiciary. From 1986 to date, Justice Ritholtz has served as a member of the Columbia College Alumni Representative Committee.

Justice Ritholtz is a frequent lecturer at many bar associations, lecturing on such subjects as "*Effective Legal Writing*," "*Depositions-A View From the Bench*," and an "*E-Discovery Primer*." In 2017, Justice Ritholtz, as an Adjunct Professor at the Bar Ilan University Faculty of Law, delivered a course on the "*Introduction to United States Constitutional Law*." Among his recent publications is a co-authored article published in the New York Law Journal on April 30, 2018, entitled, "*Serving Process by Mail on Defendants Pursuant to Hague Service Convention*." In Summer 2019, he wrote a book review, *Jewish Justices of the Supreme Court: From Brandeis to Kagan*, Justice Magazine, International Association of Jewish Lawyers and Jurists, at 39.

Justice Ritholtz and his wife, Anne, are blessed with five chil-

dren and 19 grandchildren.

Philip D. Robben (Chapter 122, *Health Care Institutions*) is a Partner at Kelley Drye & Warren LLP and is head of the firm's International Arbitration team. Mr. Robben has represented clients in numerous industry sectors including pharmaceuticals, banking and finance, construction, telecommunications, industrial manufacturing and consumer products. He has handled a wide range of disputes involving the False Claims Act, fraud claims, and claims brought by state attorneys general. He has practiced before state and federal courts across the United States as well as before international and domestic arbitration tribunals.

Mr. Robben received his J.D. from Fordham University School of Law in 1998 where he was a member of the Moot Court Program and his undergraduate degree from Fordham University in 1994.

Jeffrey A. Rosenthal (Chapter 23, *Cross-Border Litigation*, and Chapter 77, *Third-Party Litigation Funding*) joined Cleary Gottlieb in 1992 and became a partner in 2001. His practice focuses on general commercial and international litigation and arbitration and bankruptcy litigation. Jeff has represented numerous foreign and domestic entities before a wide variety of judicial and arbitral bodies, including the International Chamber of Commerce, the London Court of International Arbitration, the American Arbitration Association, the Stockholm Chamber of Commerce, UNCITRAL, the Society of Maritime Arbitrators, and a number of federal and state courts. He has tried or arbitrated more than two dozen cases through merits hearings as lead counsel concerning international joint venture disputes, post-merger and acquisition disputes, intellectual property, sports contract disputes, maritime issues, bankruptcy, breaches of contract, insurance law, bilateral investment treaty disputes, and tort law, among others. He is also First Vice Chair of the New York International Arbitration Center and a member of the Court of Arbitration for Sport.

He received his J.D. from Harvard Law School *magna cum laude* and graduated from Dartmouth College with an A.B. *cum laude*.

Samuel J. Rubin (Chapter 116, *Derivatives*) is a partner in Goodwin Procter LLP's New York Complex Litigation and Dispute Resolution practice group and an experienced advocate at both trial and appellate levels. Mr. Rubin's practice focuses on representing banks, asset managers, private equity and real estate investors, and other financial institutions and major corporations in a wide variety of complex commercial disputes in federal and state courts and before regulatory and arbitral bodies. Mr. Rubin has successfully represented major financial institutions in numerous commercial disputes involving complex financial products, asset managers in ERISA fiduciary liability

class actions, hedge funds in class and derivative suit litigations.

Bradley I. Ruskin (Chapter 49, *Graphics and Other Demonstrative Evidence*) is a preeminent litigator and trial lawyer, and serves as co-chair of Proskauer's Sports Law Group. He has tried numerous high-stakes, headline-making matters to verdict or appellate victory, spanning "bet-the-company" antitrust challenges, novel Delaware corporate law issues, and complex commercial disputes.

As co-chair of the firm's renowned Sports Law Group, Brad devotes a substantial portion of his practice to litigating and advising on issues central to the sports industry. His clients include major professional leagues and many other participants across the industry. In addition, Brad has frequently represented technology, media, telecommunications and real estate companies, whom he represents in a wide array of disputes involving partnership conflicts, communications and copyright matters, fraud, bankruptcy litigation, data breaches, contract rights, and sophisticated class actions. He is regularly called upon to defend clients in major antitrust and complex commercial cases.

Beyond his litigation work, Brad plays an active role in civic and nonprofit leadership. He serves as a Member of the Executive Committee and Vice Chair of the Legal Aid Society, Chairperson of the Board of the Student Leadership Network, a Member of the ADL Sports Leadership Council, and a Member of the Jewish Theological Society's Advisory Board.

Hugh M. Russ, III (Chapter 58, *Trial and Post-Trial Motions*), a partner with Hodgson Russ, resolves business disputes. As a trial lawyer, Hugh has argued more than 100 cases before juries in the last 35 years, and he has represented individuals and businesses in virtually all areas of civil litigation throughout New York and the Northeast. Hugh was appointed by the U.S. District Court to be plaintiffs' liaison counsel in the Continental Flight 3407 multi-district litigation. In addition to serving as lead counsel for all 50 plaintiffs, he also represented seven families of victims killed in the crash.

Hugh has represented industries in environmental class action lawsuits. He has represented a major insurer in one of the largest environmental insurance coverage litigations in the nation, and he has represented numerous international businesses in product liability cases. Hugh has tried catastrophic personal injury cases, including those involving claimed medical malpractice. Hugh also has substantial trial experience on insurance cases involving arson and fraud, on personal injury cases, in employment litigation, in environmental litigation, and in shareholder and business disputes. Additionally, he has extensive experience in pro-bono and civil rights work.

Now, Hugh devotes much of his time to alternative dispute resolution, especially mediation and arbitration. He is frequently

selected by other lawyers to serve as a moderator or an arbitrator.

Hugh is a fellow in the American College of Trial Lawyers, which is comprised of the preeminent members of the trial bar in the United States and Canada. Membership is limited to less than 1% of the total lawyer population.

James G. Ryan (Chapter 66, *Enforcement of Judgments*) is Vice President and General Counsel of Manhattan University and oversees and manages the provision of all legal services to the University. Mr. Ryan is responsible for providing strategic guidance, consultation and support on a comprehensive range of legal and associated issues involved in carrying out the University's mission. He is also the Corporate Secretary of the University.

Prior to his appointment to Manhattan University, Mr. Ryan was the head of Cullen and Dykman's Litigation Department and a Co-Chair of the firm's Higher Education Practice Group. He has over 40 years of experience representing clients in financial services, corporate, energy and higher education-related matters in federal and state court, before administrative agencies and in various forms of alternative dispute resolution. Mr. Ryan has handled the full array of legal issues that confront institutions, including policy creation and enforcement, labor and employment claims, shared governance, intellectual property rights, internal investigations, student life, athletics and fundraising. Over the years, he has addressed labor contracts, managed faculty work stoppages, negotiated real estate transactions, and developed policies and procedures for several higher education institutions. Mr. Ryan has previously represented colleges and universities in state and federal court and before state and federal agencies.

Mr. Ryan holds a Bachelor's Degree from Fordham University's Gabelli School of Business and is a graduate of Fordham's School of Law.

Nader Salehi (Chapter 75, *Litigation Management by Corporations*) is a partner in the Government, Regulatory and Internal Investigations Practice Group of Kirkland & Ellis LLP and is resident in the Firm's Washington, D.C., office. He is a leading, nationally recognized investigations and securities enforcement defense lawyer. Described by clients as "a phenomenal lawyer," a "go-to for sensitive internal investigations," and "an insightful counsel in difficult situations," Nader has for more than 25 years represented clients in high-stakes investigations of enterprise-wide significance. His enforcement practice often involves the defense of financial fraud, false statement and insider trading claims in investigations prompted by the United States Securities and Exchange Commission (SEC), FINRA, alleged "whistleblowers," and the Department of Justice (DOJ). Nader's clients have included leading public companies and their boards of directors, some of the most significant public and private investment

fund managers and nearly all of the major banks on Wall Street. Nader's high-profile work has earned him the title of "Best Lawyer in Securities Law" for 12 straight years and he is regularly invited to speak at major industry events such as the annual SIFMA C&L Conference and PLI's annual Broker Dealer Regulation and Enforcement Conference. Nader began his career as a Staff Attorney in the SEC's Enforcement Division in Washington, D.C.

Susan L. Saltzstein (Chapter 14, *Business Courts*) is a partner and co-head of the Complex Litigation and Trials Group at Skadden, Arps, Slate, Meagher & Flom LLP, and serves as co-deputy of the firm's top-ranked nationwide Securities Litigation Group. Based in New York, Ms. Saltzstein's sophisticated litigation practice focuses on the representation of U.S. and global corporations (public and private), financial institutions and individual clients embroiled in complex litigation in federal and state courts. Her litigation experience is broad-based in scope and industry and includes class and derivative actions, board representations, stockholder lawsuits and SEC investigations. Bet-the-company litigation is one of the mainstays of her practice.

In recognition of her work, Ms. Saltzstein has been honored by leading industry outlets, including *Chambers USA* as one of the first of two women securities litigators ever to be ranked in Band 1; *Crain's New York Business* as one of its 2026 Notable Women in Law; and *Lawdragon* as one of its 500 Leading Global Litigators, 500 Leading Litigators in America and 500 Leading Lawyers in America, among others.

William Savitt (Chapter 111, *Mergers and Acquisitions*) is Co-Chair of Gibson Dunn & Crutcher LLP's global Litigation Practice Group and a member of the Trials and Securities Litigation practice groups. Mr. Savitt's practice focuses on complex commercial litigation and the representation of corporations and directors in litigation involving mergers and acquisitions, proxy contests, corporate governance disputes, securities class actions, fiduciary-breach derivative actions, and regulatory enforcement actions relating to corporate transactions. He also regularly advises boards of directors in respect of strategic transactions, *Caremark* duties, and contests for corporate control.

Mr. Savitt has played a leading role in high-stakes corporate governance and merger-and-acquisitions litigation in the Delaware Court of Chancery and in courts around the country. Mr. Savitt represented Twitter in successful litigation against Elon Musk when Musk sought to terminate his $44 billion merger agreement, compelling the deal to close on its agreed terms in October 2022. Mr. Savitt represented OpenAI in its industry defining litigation; Coinbase in landmark litigation against the Securities Exchange Commission; successfully represented

Boardwalk Pipelines in an appeal from the largest class action damages award in Delaware history; litigated the pathbreaking case of Corwin v. KKR Financial in the Court of Chancery and the Delaware Supreme Court; defended Allergan in response to a hostile bid from Pershing Square and Valeant; defended Sothebys' shareholder rights plan against an activist investor attack; was lead trial counsel in the successful and unprecedented litigation effort of Vulcan Materials Company to obtain a court order enjoining an attempted hostile takeover by an industry rival; has defended corporate bylaw and charter provisions in courts around the country; has tried numerous M&A cases to successful verdict; and was lead attorney in the United States and Canada in Lions Gate Entertainment's successful multi-national defense of Carl Icahn's takeover attempt. Mr. Savitt is a recognized authority on multi-jurisdictional corporate litigation and has defended numerous corporate merger and class action fiduciary challenges in Delaware, New York, California and elsewhere, including recent successful defenses of the New York Stock Exchange's merger with the InterContinental Exchange, the going-private sale of Dell, Inc. and the merger between Saks Fifth Avenue and Hudson's Bay Company.

Mr. Savitt graduated *magna cum laude* from Brown University and received a M.Phil. from Columbia University in European legal history. He graduated from Columbia Law School in 1997, where he was editor-in-chief of the Columbia Law Review. Upon graduation from law school, Mr. Savitt served as a law clerk to the Honorable Pierre N. Leval of the United States Court of Appeals for the Second Circuit for the 1997 term and to the Honorable Ruth Bader Ginsburg of the Supreme Court of the United States for the October 1998 term. Among other professional recognitions, Mr. Savitt has been named by Chambers and Partners as a "Star Individual" for securities litigation, by Lawdragon as one of the 500 leading lawyers in the United States, one of the 500 leading global litigators, and as one of 100 Leading AI & Legal Tech Advisors, by Benchmark Litigation as a "litigation star" (including recent induction into Benchmark Litigation's Hall of Fame), as a leading authority in the International Who's Who of Corporate Governance, and was named to the inaugural Forbes list of America's Top 200 Lawyers. He is a member of the Council of the American Law Institute, the Board of Directors of the New York Legal Aid Society and the Board of Trustees of the Columbia Law Review, Inc., and is a past executive director of Interfaith Hunger Appeal, a New York-based international hunger relief organization.

The Honorable Saliann Scarpulla (Chapter 35, *Summary Judgment*) is a graduate of Boston University and Brooklyn Law School, cum laude. After law school, Justice Scarpulla clerked for

the Hon. Alvin F. Klein in Supreme Court, New York County. When her clerkship concluded, Justice Scarpulla joined Proskauer Rose Goetz & Mendelsohn as a litigation associate.

Justice Scarpulla later moved to the Federal Deposit Insurance Corporation as Senior Counsel in the New York Legal Services Office. From the FDIC Justice Scarpulla became Senior Vice President and Bank Counsel to Hudson United Bank.

Justice Scarpulla returned to the New York State court system in 1999, as Principal Court Attorney to the Hon. Eileen Bransten. She was then elected to the New York City Civil Court in 2001, appointed to the New York State Supreme Court in 2009, and elected to the Supreme Court in 2012. From February 2014 to July 2020, Justice Scarpulla sat in the New York County Commercial Division, and she was responsible for all international commercial arbitration matters pending in the New York State Supreme Court. In July 2020, Justice Scarpulla was appointed to the Appellate Division, First Department.

Justice Scarpulla is a contributing author to the Commercial Litigation in New York State Courts treatise and has authored numerous articles on technology and commercial litigation. Justice Scarpulla is a frequent lecturer for, among others, the New York County Lawyers Association, the New York State Bar Association, the American Bar Association, the Practicing Law Institute, the New York Women's Bar Association and the New York State Judicial Institute. She has received the Louis J. Capozzoli Gavel award and the Thurgood Marshall award from the New York County Lawyers Association, the Rapallo/Scalia award from the Columbian Lawyers Association, and service awards from the National Association of Italian American Women and the New York Women's Bar Association. In January 2026 Justice Scarpulla received the Stanley H. Fuld award, the highest honor of the New York State Bar Association's Commercial and Federal Litigation section.

Justice Scarpulla was a Business Court Representative to the American Bar Association and is currently Co-Chair of the ABA Business and Corporate Litigation Committee's Artificial Intelligence, Blockchain, and Intellectual Property subcommittee. She is a member of New York's Commercial Division Advisory Council, and the Co-Chair of the Council's Subcommittee on Use of Technology in Commercial Division Cases. Justice Scarpulla also sits on the Chief Judge's Alternative Dispute Resolution Advisory Committee, and, in October 2019, she was appointed for a term to the New York State Continuing Legal Education Board. Justice Scarpulla is a past Co-President and current Board member of Judges and Lawyers Breast Cancer Alert (JALBCA).

Seth Schafler (Chapter 53, *Jury Conduct, Instructions and Verdicts*) is currently Senior Of Counsel at Covington & Burling

LLP and was previously a litigation partner at Proskauer Rose LLP. He has represented high-profile clients in precedent-setting cases spanning every type of insurance work for more than 35 years. Among the high-stakes cases in which Seth has represented policyholders are representation of Silverstein Properties in the World Trade Center case involving the terrorist attacks on the World Trade Center Towers and JP Morgan Chase in various coverage cases, including successfully obtaining coverage for a disgorgement remedy imposed by the SEC. Seth's practice covers a wide variety of insurance products including commercial general liability, directors and officers (D&O), professional liability, errors and omissions (E&O), fiduciary liability, property, business interruption, fidelity, marine and credit risk insurance, among others. In addition to his litigation practice, Seth also advises his clients on any and all of their day-to-day insurance and coverage needs. Seth has been highly-ranked by *Chambers* USA (Nationwide) for 15 consecutive years, and by *Chambers* New York for 16 consecutive years. He is currently ranked as a Senior Statesperson both in New York and Nationally.

The Honorable Alan D. Scheinkman (Chapter 149, *Commercial Real Estate*) was the Presiding Justice of the Appellate Division, Second Judicial Department from 2018 to 2020. He was previously the Administrative Judge of the Ninth Judicial District, comprising Westchester, Rockland, Dutchess, Orange and Putnam Counties. He was a Justice of the Supreme Court, Ninth Judicial District and presided in the Commercial Division, Westchester County. He served for two years as an Associate Justice of the Appellate Term, Ninth and Tenth Judicial Districts. Justice Scheinkman is a member of the Chief Judge's Commercial Division Advisory Council and a member of the Board of Directors of the Judges and Lawyers Breast Cancer Alert. He has served as a member of the Pattern Jury Instructions Committee—Civil of the New York State Association of Supreme Court Justices, having formerly served as a Reporter for the Committee for many years. He also has been a member of numerous bar and judicial committees, including the House of Delegates of the New York State Bar Association and the Board of Directors of the New York County Lawyers Association. Following his retirement from the bench, Judge Scheinkman has arbitrated or mediated a significant number of commercial disputes.

Judge Scheinkman obtained his law degree in 1975 from St. John's University School of Law; from 1975 to 1977, he was law clerk to Hon. Matthew J. Jasen, Associate Judge, New York Court of Appeals.

Prior to election to the Bench, he was variously in private practice, taught law full-time at St. John's University School of Law, and, from 1998 through 2000, served as Westchester County

Attorney. He is the author of a two-volume treatise on domestic relations and is the practice commentator for McKinney's Domestic Relations Law. He has taught as an adjunct professor at several law schools and has participated as a speaker and panelist at innumerable judicial and bar association programs.

Steven R. Schlesinger (Chapter 151, *Land Use Regulation*) is Co-Managing Partner of Jaspan Schlesinger Narendran LLP and a member of the firm's management committee. He concentrates his practice on complex commercial litigation, commercial and real estate matters, bankruptcy, and New York State election law.

Mr. Schlesinger is a contributing author of *Goldfeder on Modern Election Law* (3rd Edition). He has represented many elected officials in litigation pertaining to their public office and has acted as counsel on numerous political campaigns.

For more than 40 years, Mr. Schlesinger has acted as counsel to many of New York's largest residential and commercial real estate developers and corporate entities, and has achieved significant victories on their behalves in both federal and state court. He has served as lead counsel in many federal and state trials, and in numerous appeals before the Appellate Divisions of the New York State Supreme Court and the New York State Court of Appeals. He is admitted to practice in New York, the federal district courts for the Southern and Eastern Districts, the United States Court of Appeals for the Second Circuit and the United States Supreme Court.

Daniel A. Schnapp (Chapter 41, *Settlements*) is a Partner with Dentons LLP. Mr. Schnapp is a trial lawyer with a focus on commercial and intellectual property litigation. He handles high-profile litigation, regulatory, and privacy matters for clients in a variety of industries, including entertainment, music, media, art, publishing, technology, advertising, and financial services. Mr. Schnapp is also a member of the American Arbitration Association's Roster of Neutrals.

David M. Schraver (Chapter 41, *Settlements*) is Of counsel to the firm of Nixon Peabody LLP. His practice includes a broad range of litigation in state and federal courts. He is Past President of the New York State Bar Association (2013–2014) and the Monroe County Bar Association (1997–1998); member of the House of Delegates, Committee on Standards of Attorney Conduct, and Commercial and Federal Litigation Section of the New York State Bar Association; Past President of The Metropolitan Bar Caucus of the National Conference of Bar Presidents (2002–2003); member of the American Bar Association House of Delegates (2004–2009, 2013-present); and has served on the boards of a number of community organizations. Listed in The Best Lawyers in America® and Best Lawyers in America® for

Business Litigation. He is a graduate of Harvard College (*cum laude*) and the University of Michigan Law School (*magna cum laude*) where he was a Note and Comment Editor of the Michigan Law Review. He has also written and spoken on matters of Indian law and legal ethics and professionalism.

Andrew Schriever (Chapter 25, *Preliminary and Compliance Conferences and Orders*) is an attorney and founding partner of Holland Schriever LLP. A practitioner for 28 years, Mr. Schriever graduated *magna cum laude* from Boston College Law School, with an M.A. from the University of Massachusetts/Boston and a B.A. from the University of Massachusetts/Amherst, *cum laude*. Mr. Schriever has served as President of the Westchester County Bar Association and of the Legal Aid Society of Westchester County. He has also served as a delegate to the New York State Bar Association's House of Delegates, and he helped to lead the committees which designed the Westchester County Commercial Division's and Ninth Judicial District's ADR Rules. Mr. Schriever's practice focuses on business and real estate litigation, both as an advocate and as a frequent mediator and neutral for Commercial Division cases.

Robert A. Schwinger (Chapter 6, *Case Evaluation*) is a partner in the New York office of Norton Rose Fulbright US LLP. He also serves as Deputy General Counsel to the firm. He is an experienced litigator who has taken numerous cases to trial in the New York State courts as well as in federal courts in New York and other states, and in arbitration. He is also an experienced appellate practitioner. He focuses his practice on complex, high stakes business disputes, representing clients both domestic and international in litigations involving media and technology, private civil antitrust, financial fraud, securities, and intellectual property (including trademark, patents, and copyright). He also advises on risk issues surrounding FinTech and other emerging technologies.

Mr. Schwinger received his law degree from New York University School of Law in 1984, where he was a member of the Annual Survey of American Law, after having received his A.B. *cum laude* from Princeton University in 1981. He is a member of the Commercial and Federal Litigation and the International sections of the New York State Bar Association. He served as a member of the New York State Bar Association Task Force on New York Law in International Matters. He is a member of the Litigation, Arbitration and Asset Recovery Committees of the International Bar Association and a member of the Federal Bar Council. He is a member of the New York City Bar Association's Presidential Task Force on Artificial Intelligence and Digital Technologies, where he serves as a co-chair of the Subcommittee on Distributed Ledger Technology and Blockchain. He serves as a

member of the Board of Directors of the American Foreign Law Association and is a member of Legal Working Group of the Wall Street Blockchain Alliance and the Law Firm General Counsel Roundtable. He has been recognized in the area of commercial litigation in *The Legal 500, Benchmark: Litigation, New York Super Lawyers,* and in AVENUE Magazine's *Legal Elite Litigation List*.

Mr. Schwinger has published and spoken extensively on a wide range of legal issues. Since 2018, he has authored the *New York Law Journal*'s "Blockchain Law" column. He has spoken on a variety of litigation, technology and legal ethics topics at conferences for the New York State Bar Association, the International Bar Association, the Association of Corporate Counsel and the Energy Bar Association, and has been a guest lecturer at Seton Hall Law School. He was one of the earliest winners of a Burton Award for Legal Achievement for legal writing.

Jeffrey T. Scott (Chapter 36, *Declaratory Judgments*) is a litigation partner at Sullivan & Cromwell LLP and the co-head of the Firm's litigation training. He has litigated cases throughout the country in both federal and state courts. He has represented clients at every stage of commercial litigation in the state courts of New York, including at trial and in the Court of Appeals. His diverse practice includes representing clients in securities, antitrust, shareholder derivative, contract, banking, bankruptcy, and many other commercial matters. Mr. Scott also has represented corporations, financial institutions and individuals in many prominent SEC and DOJ investigations and regulatory enforcement proceedings involving allegations of securities fraud, market manipulation and money laundering and antitrust, CFTC, OFAC and Bank Secrecy Act violations. Mr. Scott has obtained a number of non-public declinations in regulatory enforcement proceedings.

Mr. Scott has been recognized many times by Chambers, New York Super Lawyers, The Legal 500, and Benchmark Litigation. In 2019, he was named as a "Winning Litigator" and "Litigation Trailblazer" by The National Law Journal. He also has been named as a "Securities Law MVP" by Law360, and his litigation matters have been featured multiple times in the AmLaw Litigation Daily "Litigator of the Week" columns.

Mr. Scott has been a speaker at various professional associations and events and a member of the New York City Bar Association's Litigation Committee, Securities Litigation Committee, Professional Responsibility Committee, Professional and Judicial Ethics Committee and Council on Judicial Administration. He currently serves on the National Board of Overseers for Providence College.

From 1996 to 1998, Mr. Scott clerked for the Honorable Clarence C. Newcomer of the U.S. District Court for the Eastern

District of Pennsylvania. He received a B.A. in Political Science from Providence College in 1993 and a J.D. from Brooklyn Law School in 1996.

Margaret T. Segall (Chapter 106, *Trade Associations*) is a partner in Cravath, Swaine & Moore LLP's Litigation Department. Her practice focuses on transactional matters, antitrust regulatory approval, and government investigations, including civil conduct investigations brought by both federal and state antitrust authorities, as well as general antitrust counseling and critical antitrust litigation.

Named "Dealmaker of the Year" by *Global Competition Review* (*GCR*) in 2025, Ms. Segall is described as "truly one of the finest antitrust attorneys" and "prolific in securing clearances for high-value mergers, as well as advising clients on government investigations" (*The Legal 500 US*). Her clients cover diverse industries, including aerospace and aviation, pharmaceuticals, life sciences, consumer products, media, manufacturing and technology.

Ms. Segall has earned repeated recognition for her antitrust work by *Chambers USA* and *The Legal 500 US*, including as a "Leading Lawyer" for antitrust merger control. She has been selected for *Crain's New York Business*'s list of "Notable Women in Law" and *Lawdragon*'s lists of "500 Leading Global Antitrust & Competition Lawyers" and "500 Leading Litigators in America," and recognized by *Benchmark Litigation* as a "Litigation Star." Ms. Segall has also been included in *Bloomberg Law*'s and *GCR*'s "40 Under 40" lists.

Among other accolades, *Who's Who Legal* has previously recommended Ms. Segall for her antitrust work, including naming her the "Most Highly Regarded Future Leader" in Competition in North America. Ms. Segall was also recognized for her antitrust work by LMG Life Sciences, and she has received Euromoney Legal Media Group's Rising Star Award for "Best in Antitrust/Competition." She was additionally recognized as one of *Law360*'s "Rising Stars" in Competition.

Ms. Segall received an A.B. *magna cum laude* from Harvard College in 2003, where she concentrated in History. She received a J.D. *cum laude* from Harvard Law School in 2008, where she was a member of the Board of Student Advisors and the International Law Journal.

Shannon Rose Selden (Chapter 20, *Provisional Remedies*) is a litigation partner of Debevoise & Plimpton LLP, where she chairs the firm's Investment Management Litigation Practice. Ms. Selden is a broad-gauged commercial litigator who represents funds, directors, sponsors, and strategic clients as both plaintiffs and defendants in all manner of complex, high-stakes litigation. Ms. Selden has significant experience as lead counsel in state

and federal courts, including in merger, securities, contract, corporate governance, fiduciary, financing and debt restructuring disputes. She is ranked as a leading lawyer for Commercial Litigation by *Chambers USA* (2025), which has described her as "very commercial," "an outstanding lawyer and strategic adviser" and "a very analytical and creative thinker." She has been recognized as a Law360 "MVP" for Asset Management. She has also been ranked by *Benchmark Litigation* as a "Litigation Star" (2025–2026), as a "National Practice Area Star" for Commercial Litigation and Securities (2026), and as one of the guide's "Top 250 Women in Litigation". Ms. Selden and her colleagues were also recognized by *Law360* as "Asset Management Practice Group of the Year" and as "Private Equity Practice Group of the Year." She has been named to the 2020 *Crain's New York Business* list of "Notable Women in Law." She was shortlisted for "Best in Private Equity" at Euromoney's "2018 Women in Business Law Awards."

Ms. Selden received her J.D. from Yale Law School in 2001. At Yale, she was the co-editor-in-chief of the *Yale Journal of Law & the Humanities* and a director of the Morris Tyler Moot Court Competition. She received a B.A. *summa cum laude* from Amherst College in 1998, where she was a member of Phi Beta Kappa and winner of the Densmore Barry Collins Prize in Political Science. Ms. Selden joined Debevoise in 2001 and became a partner in 2011. From January 2003 to January 2004, she clerked for the Hon. Denise Cote, United States District Court for the Southern District of New York, and in 2004 and 2005 she was an Assistant Professor of Law at the University of Toledo, teaching Constitutional Law and Civil Procedure.

Ms. Selden has a significant pro bono practice at the forefront of U.S. reproductive rights litigation, advocating against state and federal laws that impact critical aspects of reproductive care. In addition, she has served as a member of the Federal Practice Task Force of the American Bar Association Section of Litigation and as Co-Chair of the Section's 2010 Annual Conference. Ms. Selden is a member of the Board of Directors of the Center for Fiction and a former member of the Board of Directors of the National Center for Law and Economic Justice.

Samuel W. Seymour (Chapter 129, *The Interplay Between Commercial Litigation and Criminal Proceedings*) is the former Managing Partner of Sullivan & Cromwell LLP's Criminal Defense and Investigations Group. He has practiced at Sullivan & Cromwell in New York since 1983 and currently serves as of counsel. His practice focuses on white-collar criminal defense, regulatory enforcement matters and internal investigations, as well as complex commercial litigation and arbitration matters. He is a former Assistant U.S. Attorney for the Southern District

of New York where he also served as deputy chief appellate attorney. Mr. Seymour has written and lectured extensively on white-collar criminal defense developments and has held leadership positions in numerous legal and educational organizations, including serving as President of the New York City Bar Association from 2010–2012. He received his A.B. from Dartmouth College and his J.D. from Columbia Law School.

Ian Shapiro (Chapter 117, *Shareholder Derivative Actions*) is the chair of Cooley LLP's global litigation department and partner-in-charge of the firm's New York office. He represents individuals and companies in complex, hard-fought commercial disputes in state and federal courts throughout the United States, in arbitrations, and in nearly every type of case. He has represented clients in complex commercial disputes, including on affirmative claims of fraud; defended consumer class actions, securities class actions and shareholder derivative suits; represented buyers on claims alleging fraud and breach of representations and warranties; represented clients as plaintiff and defendant in cases alleging trade secret misappropriation; represented employers enforcing restrictive covenants and defending claims for breach of employment agreements; represented multiple unsecured creditors' committees in 2004 investigations and related bankruptcy litigation; defended multiple clients against Lanham Act claims, including unfair competition and false advertising claims; and represented companies and individuals in investigations by the Department of Justice, Securities and Exchange Commission and Office of the New York State Attorney General. He is recognized in commercial litigation by Chambers USA and The Legal 500. Mr. Shapiro is a current member of the Commercial Division Advisory Council, which advises the Chief Judge of the State of New York on matters involving the Commercial Division of the New York Supreme Court. He received his J.D. from Harvard Law School and his B.A. from Yale University.

David Shargel (Chapter 112, *Valuing a Business*) is a partner at Bracewell LLP, where he advises companies and individuals in complex commercial litigation, internal investigations, white collar defense, and regulatory and compliance matters. He represents clients in a variety of industries litigating contract disputes, shareholder disputes, business valuation, insurance coverage, and fraud. He also handles real estate, construction and employment disputes, as well as matters involving constitutional law, such as under the Commerce and Due Process clauses. Additionally, as co-head of the firm's ePractice Department, Dave assists firm attorneys with eDiscovery best practices and guidance, as well as case-specific discovery strategy and management. Prior to Bracewell, he served as a law clerk to

the Hon. Richard M. Berman in the U.S. District Court for the Southern District of New York. He earned his B.A. from Kenyon College and his J.D. from Brooklyn Law School.

Howard Sidman (Chapter 120, *Corporate Sustainability and ESG*) is the Global Chair of Environmental, Social, and Governance and a litigation partner in the Financial Markets practice in Jones Day's New York office. He represents financial institutions and other corporations in ESG-related investigations and litigation. Mr. Sidman also counsels clients on a broad range of risk issues connected with the "E" and the "S" in ESG, including navigating increasingly complex and sometimes conflicting ESG-focused regulations, executive orders, and government enforcement investigations and priorities as well as fair access issues, antitrust concerns, and supply chain and human trafficking developments. In addition, he advises on risk issues relating to energy transition, energy security, green bonds, and sustainability-linked loans. Mr. Sidman also has more than 20 years of experience with litigation involving financial institutions, including disputes and counseling relating to residential mortgage-backed securities, collateralized debt obligations, and other complex commercial disputes. Mr. Sidman has been named an MVP in Banking by Law360 and is ranked by Chambers (2023 to the present). He received his J.D. from Georgetown University Law Center in 2000 and his B.A. from the University of Michigan in 1997.

Gerry Silver (Chapter 145, *Information Technology Litigation*) is a litigation partner and Head of the Litigation Practice at the global law firm of Sullivan & Worcester LLP based in New York, with an emphasis on technology-related and intellectual property disputes. Over the last 30 years, Gerry has litigated literally hundreds of software implementation cases and software licensing disputes, from inception through verdict or award, in state and federal courts and in arbitrations throughout the country. Gerry has litigated disputes pertaining to software such as Salesforce, ServiceNow, Oracle, SAP, AI platforms, cyber security and privileged access management, and has represented service providers such as Capgemini, EY, Simplus (now Infosys), CyberArk (now a Palo Alto Networks company), Cloud Sherpas (now Accenture), and software companies including SDL/RWS, Hexagon, Cimatron and Bond-Pro. Gerry also has substantial experience in options/stock award disputes, as well as securities law litigation, employment, defamation, classic car and other complex commercial disputes, both in a technology context and in connection with other industries as well. Gerry graduated from Fordham University School of Law and was an Associate Editor of the *Fordham Law Review*.

William C. Silverman (Chapter 3, *Venue*) is a partner with Proskauer Rose LLP, where he is responsible for leading

Proskauer's global pro bono efforts, which provide assistance to individual clients and nonprofit organizations in litigation as well as transactional matters. He graduated from Brown University and New York University Law School where he was an editor of the Law Review. After graduation, he served as a Law Clerk to the Honorable Louis L. Stanton, United States District Court Judge, Southern District of New York; worked as an associate at Paul, Weiss, Rifkind Wharton & Garrison LLP; and served as an Assistant United States Attorney in the Southern District of New York. He currently serves on the Board of Directors for The Fund For Modern Courts, a statewide court reform organization, and RISE Partnership, an organization dedicated to ensuring the successful reentry of men and women on federal supervised release.

The Honorable Madeline Singas (Chapter 146, *Governmental Entity Litigation*) serves as Associate Judge on the New York Court of Appeals. A career public servant, she was appointed to the Court by Governor Andrew Cuomo in 2021. Judge Singas started her career as a prosecutor in Queens County before joining the Nassau County District Attorney's Office in 2006. There, she established the county's first Special Victims Bureau, serving the most vulnerable victims—children, the elderly, and victims of domestic and sexual abuse—through innovative initiatives to eradicate gender-based violence, increase access to justice for victims and survivors, and safeguard the rights of people impacted by the justice system.

Before joining the Court, Judge Singas was twice overwhelmingly elected District Attorney of Nassau County, a county of nearly 1.4 million residents. During her tenure, violent crime dropped by more than 22% and U.S. News and World Report named Nassau County the safest community in America in consecutive years. Simultaneously, the District Attorney's Office designed and implemented specialized programs for adolescent offenders, veterans, and those suffering from mental illness or drug addiction, including establishing the region's first 24/7 medically assisted crisis treatment facility; creating a new division charged with helping justice-involved people access services, support, and job training; creating new prosecutorial units focused on hate crimes, crimes against immigrants, and crimes against the elderly; and establishing the county's first Family Justice Center.

Judge Singas has advocated for women throughout her career, including by promoting women's careers, increasing the percentage of women managers, and implementing new policies granting attorneys family leave. In 2018, Judge Singas was appointed special prosecutor to investigate allegations of sexual assault against the then-New York State Attorney General. While on the Court of Appeals, she created the Judges for Career Opportunities for Refugees program to place Afghan refugees with legal ex-

perience into positions within New York's Unified Court System.

The daughter of Greek immigrants, Judge Singas grew up in Astoria, Queens. She is a graduate of the Bronx High School of Science, Barnard College, Columbia University, and Fordham University School of Law. She is the proud mother of twins and lives on Long Island with her husband.

Randi Singer (Chapter 143, *E-Commerce*) is a partner in Sidley Austin LLP's global Commercial Litigation and Disputes group in the New York office. She focuses her practice on copyright, Lanham Act false advertising and trademark matters, litigating for and advising clients across numerous industries. Her advertising cases have spanned a very broad spectrum of products and services including prescription drugs and biologics, molecular diagnostic assays, over-the-counter drugs, razors, toothpaste, paint, pet food, chocolate, cosmetics, financial services, cell phone cases, luxury goods and consumer electronics.

Randi is a member of the International Trademark Association (INTA), the International Association of Privacy Professionals (IAPP), the American Bar Association Antitrust Section (Private Advertising Litigation), and the New York City Bar Association Sports Law committee (IP subcommittee). Randi has also served on the Trademarks and Consumer Affairs Committees of the New York City Bar Association.

Randi is consistently recognized by industry publications for her work in intellectual property and media and entertainment. She is ranked by *Chambers USA, Benchmark Litigation, Expert guides, Managing IP, Super Lawyers, Law 360*, and *Best Lawyers in America*. She has also been recognized by *The National Law Journal, The Legal 500, WTR 1000*, and *Euromoney Legal Media Group*. She received her J.D. from Columbia Law School and her A.B. from Harvard University.

Laura Smith (Chapter 86, *Civility*) is Chief Counsel for the Advisory Committee on Judicial Ethics, which provides ethics advice to judges and justices at every level of the judiciary in New York State pursuant to Judiciary Law § 212(2)(l). As Chief Counsel, she oversees all aspects of the Advisory Committee's work. She previously served as one of the Advisory Committee's staff counsel from 2006-2015, along with additional duties as Executive Director of the Judicial Campaign Ethics Center, and then as Statewide Special Counsel for Ethics. Before joining the Office of Court Administration, Ms. Smith was a senior litigation associate at Pillsbury Winthrop Shaw Pittman LLP. Ms. Smith obtained her J.D. *magna cum laude* from the Boston University School of Law, where she was an Articles Editor for the Journal of Science and Technology Law.

The Honorable Robert S. Smith (Chapter 3, *Venue*) was born in New York and grew up in New England, but attended col-

lege at Stanford (B.A. 1965) before returning to the East for law school (L.L.B., Columbia University, 1968). After graduating law school, he joined the New York City law firm of Paul, Weiss, Rifkind, Wharton & Garrison, where he was an associate until 1976 and then a partner until 2003. In 1980–1981, Mr. Smith took a leave from his firm and served as Visiting Professor from Practice at Columbia Law School. For 10 years after that, he taught a course in procedure as a part time lecturer in Law at Columbia. In 2003, Mr. Smith left Paul Weiss to start his own practice in New York. A few months later, on November 4, 2003, he was nominated by Governor Pataki to the New York Court of Appeals. He was confirmed by the New York State Senate on January 12, 2004. From 2006 through 2009, Judge Smith taught the State Constitutional Law course at the Benjamin N. Cardozo School of Law. He retired from the Court of Appeals on December 31, 2014 and was later a partner at Friedman Kaplan Seiler & Adelman in New York City.

Judge Smith and his wife, Dian, have three children and five grandchildren.

Rebecca C. Smithwick (Chapter 73, *Techniques for Expediting and Streamlining Litigation*) is a litigator and trial lawyer with a focus on litigating complex commercial disputes in the Commercial Division of the New York State Supreme Court and the federal courts venued in New York. Her cases run the full gamut of commercial disputes from claims of breach of contract to corporate fraud and from professional liability to real estate.

Ms. Smithwick is from Melbourne, Australia, where she was admitted to practice in 2009, having graduated with honors from Monash Law School, one of the most prestigious law schools in Australia. Before relocating to New York City, where she commenced practice in 2013, Ms. Smithwick was an associate at a world class, full service commercial law firm consistently involved in the highest profile work in Australia and the Asia Pacific region.

Ms. Smithwick is the author of five published articles addressing the recent amendments to the Statewide Rules of the Commercial Division of the Supreme Court. She has also presented at CLE's addressing the recent changes to the Commercial Division Rules, one of which was at the behest of the Office of Court Administration, whose CLE programming is accessed by judges and chambers staff.

In 2018, Ms. Smithwick relocated to California and started her own practice, Smithwick LLC, under the banner of which she continues to focus her practice on high-stakes, complex commercial litigation in both state and federal courts venued in New York, working closely with the New York-based law firm Schlam Stone & Dolan LLP.

Ryan Soebke (Chapter 66, *Enforcement of Judgments*) is a partner of Cullen and Dykman LLP in the firm's Commercial Litigation Department. Mr. Soebke represents a wide variety of clients, including private financial and not-for-profit institutions, in all aspects of litigation in both federal and state court as well as at the agency level. He also has experience representing clients in mediation, arbitration and other forms of alternative dispute resolution proceedings.

Mr. Soebke's practice includes representing clients in contract disputes, employment-related matters and general commercial disputes. He represents banking and financial institutions in matters involving commercial mortgage loans, including contested commercial foreclosures and loan workouts. Mr. Soebke also regularly represents educational institutions in matters involving academic and student affairs, student and employee discipline, and Title IX compliance.

Louis M. Solomon (Chapter 48, *Expert Witnesses*) is Head of International Litigation (U.S.) at Reed Smith LLP. He is an internationally recognized trial lawyer with 40 years of experience who has led over 50 complex commercial cases including private, class action, and government-led litigations or arbitrations in a broad range of subject matters: antitrust, corporate and commercial finance; employment; patent and other intellectual property; insurance/reinsurance; international bankruptcy/restructurings; pharmaceutical regulation; securities; and telecommunications. International matters, for U.S. and non-U.S. clients, have included cases involving numerous EU countries, Latin America, the Far East, and Russia. He received his J.D., *magna cum laude*, from Harvard Law School and speaks and publishes widely.

Amelia T.R. Starr (Chapter 55, *Punitive Damages*) serves as Chief Pro Bono Counsel at Davis Polk & Wardwell LLP, after 19 years as a litigation partner at the firm. She has experience in a wide variety of state and federal court commercial litigation matters, regulatory enforcement proceedings and bankruptcy-related litigation. Her litigation matters included securities investigations and litigations, bankruptcy issues on the debtor and creditor sides, bank lending, private equity and hedge fund transactions and commodity manipulation. Her clients included corporations, boards of directors, hedge funds, private equity investors, law firms and individuals. Ms. Starr focused much of her litigation practice on representing financial firms and their boards of directors, including commercial banks, hedge funds and private equity firms, in a variety of regulatory and litigation settings. Ms. Starr received her B.A. from Yale University (*summa cum laude*) in 1990 and her J.D. from New York University School of Law in 1993, where she was the Senior Production Editor for

the Annual Survey of American Law. She clerked for the Honorable Thomas P. Griesa, Federal District Court Judge in the Southern District of New York between 1993–1994.

Neil A. Steiner (Chapter 141, *Privacy and Security*) is a partner in Dechert LLP's Securities and Complex Litigation group. He represents private equity funds and their portfolio companies, hedge funds, investment advisers, corporations and their senior executives in a variety of matters. Mr. Steiner is a graduate of Duke University (A.B., magna cum laude, 1994) and Harvard Law School (J.D., magna cum laude, 1997).

Robert I. Steiner (Chapter 15, *Enforcement of Forum Selection Clauses*) is the Managing Partner of Kelley Drye & Warren LLP's New York office. He has three decades of experience in complex business litigation matters including extensive experience litigating disputes in New York State and Federal Courts. Mr. Steiner's experience litigating business disputes, includes breach of contract matters across a wide variety of industries, class action defense work, and the prosecution and defense of trade secret misappropriation claims as well as restrictive covenants, among other areas. For multiple years, Mr. Steiner has been listed as a *New York Super Lawyer* in business and employment litigation. He is a graduate of Rutgers School of Law, with honors, and articles editor of the Rutgers Law Journal. He graduated with a B.A. from Miami University.

James L. Stengel (Chapter 19, *Issue and Claim Preclusion*) is a litigation partner at Orrick, Herrington & Sutcliffe LLP. He is a graduate of the University of Illinois and the University of Michigan Law School. He has extensive experience in complex litigation, including current involvement in PFAS and climate change litigation as well as past service as National Counsel for Union Carbide Corporation in asbestos litigation, representation of the Dow Chemical Company in the Dow Corning bankruptcy, representation of the Manville Personal Injury Settlement Trust in a variety of capacities, representation of the Washington Public Power Supply System (WPPSS) in civil and securities proceedings, and service as defense liaison counsel in In re Michael Milken & Associates Securities Litigation, MDL No. 924. He is the author of Complex Litigation, PLI (1994) as well as a frequent lecturer on mass tort and complex litigation issues. He has been recognized by *Chambers USA* 2010–2013, Products Liability & Mass Torts (Nationwide), *Benchmark Litigation* 2008–2014, Products Liability (National); Bankruptcy, Commercial Litigation, Products Liability, Securities (New York), Euromoney's *Guide to the World's Leading Litigation and Product Liability Lawyers* 2010–2012, and endorsed by *PLC Which lawyer?*, Dispute Resolution (USA: NY: New York) 2010–2012.

Andrew W. Stern (Chapter 113, *Securities Litigation*) is a retired partner in the New York office of Sidley Austin LLP and

former global co-head of its Securities and Shareholder Litigation practice. Mr. Stern focuses his practice on securities litigation and litigation relating to mergers and acquisitions, corporate governance issues and proxy contests. These matters frequently involve allegations of violations of the federal securities laws and common-law fiduciary duties, as well as claims of market manipulation and antitrust violations. He has tried cases in state courts and the federal district and bankruptcy courts, as well as in arbitration forums in more than 10 states. Mr. Stern received his A.B. from Lafayette College and his J.D. from Boston University School of Law. He has regularly been listed as a leading securities litigator in Chambers, Legal 500, Benchmark and other rating publications. Mr. Stern's securities litigation experience includes representation of issuers, investment banks, investment advisers, and individuals in class actions, derivative actions, and other litigation matters involving equity securities, mutual funds, mortgage and other debt securities, complex derivative securities, hedge funds and limited partnership interests. In addition, he frequently represents broker-dealers and investment banks and their employees in disputes with customers and transaction counterparties. He also represents companies and directors involved in M&A transactions in litigation arising from the transactions, as well as in other disputes relating to corporate governance and proxy contests. He frequently counsels companies, boards of directors and other individuals on corporate governance matters and litigation risk. He also has conducted internal and independent investigations on behalf of companies and independent directors.

Peter A. Sullivan (Chapter 137, *Licensing*) is a Partner in Foley Hoag LLP's New York office. He concentrates on intellectual property litigation and complex commercial litigation and arbitration. He also counsels clients on intellectual property matters in the area of patents, trade secrets, trademarks and copyrights, as well as the licensing of those rights. Mr. Sullivan's litigation practice involves representing clients in federal and state trial and appellate courts, and before arbitration tribunals, administrative agencies and investigative bodies. He received his J.D. *cum laude* from Brooklyn Law School in 1992. He received a B.S. in physics from New York University and a B.S. in mechanical engineering from Cooper Union, both in 1986. Mr. Sullivan is the past chair of the Patents Committee of the New York City Bar Association. He is a member of the New York and New Jersey Bars and he is also a registered patent attorney.

Jennifer A. Surprenant (Chapter 63, *Sanctions*) is a shareholder in the firm of Greenberg Traurig, LLP, where she concentrates on commercial litigation. Her practice focuses on litigating complex and international commercial disputes in state

and federal courts, including cases involving business torts, contract disputes, business/asset acquisitions, mergers, construction, securities offerings, intellectual property, and oil and natural gas. She graduated *magna cum laude* from Fordham University School of Law, where she was an editor of the Law Review, and a member of Order of the Coif. She graduated *summa cum laude* from Fordham University, where she was the Valedictorian. Ms. Surprenant is a Staff Member of the New York State Commission on Judicial Nomination. She serves on the Board of the New York Foundation for the Arts. Ms. Surprenant is the co-author of the "Complaint" chapter in Business and Commercial Litigation in Federal Courts.

Richard P. Swanson (Chapter 124, *Professional Liability*) joined York Capital Management in January 2012 and was a Managing Director and the Chief Legal Officer of the Firm. Prior to joining York, Mr. Swanson was a Partner with the law firm Arnold & Porter LLP in its Securities Litigation and Enforcement practice group. At Arnold & Porter, he regularly represented large accounting firms in securities and accounting malpractice litigations, and in SEC, white collar and regulatory investigations. Mr. Swanson is currently President of the New York County Lawyers' Association and a member of NYCLA's Executive and Investment Committees; a member of the House of Delegates of the New York State Bar Association and the American Bar Association; a past co-chair of ALI-ABA's Accountants' Liability, Sarbanes-Oxley and Corporate Governance programs; a past chair of the New York County Lawyers' Association's Committee on the Supreme Court; a past chair of the New York State Bar Association's Committees on Securities and Federal Legislation; and a past member of the New York City Bar Association's Litigation, Financial Reporting and Private Funds Committees. He is also a Director of BRC, a homeless services organization where he chairs the Legal Affairs Committee and serves on the Executive and Audit Committees; a member of the Chairman's Council at Lincoln Center; and a past chair of the Wesleyan Alumni Fund. He serves as a Special Master in the New York State Courts. Mr. Swanson received his B.A. from Wesleyan University and his J.D. from Harvard Law School.

Vincent J. Syracuse (Chapter 149, *Commercial Real Estate*) is a founding partner at Tannenbaum Helpern Syracuse & Hirschtritt LLP and its Litigation and Dispute Resolution practice group. He has over 55 years of experience representing a variety of clients in complex commercial and real estate litigation matters in the New York State and Federal Courts on the pretrial, trial and appellate levels as well as in alternative dispute resolution forum including arbitration and mediation. He is a highly experienced mediator and arbitrator who is often called

upon to resolve complex commercial disputes. A frequent speaker and author on the nuances of New York legal practice, he regularly advises out of state lawyers and firms on practice in the New York courts and acts as their local counsel. He also works with other attorneys as a consultant or an expert witness on various aspects of attorney professionalism.

Mr. Syracuse has been active on numerous bar association committees and frequently chairs continuing legal education programs on various commercial litigation subjects, including the New York State Bar Association's program on ethics and civility which he has chaired for over 25 years. He is a former Chair of NYSBA's Commercial and Federal Litigation Section and a member of NYSBA's Committees on Attorney Professionalism and Continuing Legal Education. Since 2012, he has been the principal author of the Attorney Professionalism Forum which is published in the NYSBA Journal. In February 2022, he was honored by NYSBA with the Sandford D. Levy Professional Ethics Award in recognition of his contribution to an understanding of professional ethics. Mr. Syracuse is a former member of the Advisory Committee for the Commercial Division of the Supreme Court of the State of New York and Chair of the Commercial Division Committee where he helped shape the development of the Commercial Division from its inception in New York and Monroe Counties, and subsequent expansion throughout the State of New York. He is also a former member of the Ethics Commission for the Unified Court System, which monitors the annual financial disclosure statements within the judicial branch of the New York State government.

Mr. Syracuse is graduate of Brooklyn Law School where he served as a member of the Brooklyn Law Review. From 1970 to 1973, Mr. Syracuse clerked for the Honorable John F. Scileppi, Associate Judge of the Court of Appeals of the State of New York.

William H. Taft V (Chapter 68, *Mediation and Other Nonbinding ADR*) is a partner in the Litigation Department of Debevoise & Plimpton LLP, and is the firm's Chief Financial Officer and a member of the firm's Management Committee. His practice focuses on commercial and corporate governance litigation and international arbitration. Mr. Taft has experience leading complex commercial matters for clients across a range of industries, including private equity, sports & entertainment, energy, commercial real estate, project finance and insurance. Mr. Taft is ranked as a leading lawyer for Sports Law by Chambers USA (2025) and a Leading Partner in International Litigation by Legal500 (2025).

Mr. Taft currently serves on the Board of Directors of the International Institute for Conflict Prevention & Resolution (CPR), the Nominations Committee of the Federal Bar Council,

the board of Manhattan Legal Services, the board of the New York International Arbitration Center, and is Co-Chair of the board of Every Vote Counts, a national student-led voting rights organization. Mr. Taft received a J.D. *cum laude* from New York University School of Law in 2004, and a B.A. from Yale University in 2000. From 2004 to 2005, Mr. Taft clerked for the Hon. Samuel A. Alito, Jr. when Justice Alito served on the U.S. Court of Appeals for the Third Circuit.

James P. Tallon (Chapter 24, *Class Actions*) is a retired Shearman & Sterling LLP litigation partner. In practice for 36 years, he handled more than two dozen class actions as defense counsel and class counsel.

Andrew Todres (Chapter 59, *Judgments*), a partner in Ropes & Gray's litigation and enforcement group, represents leading financial firms, public and private companies, and other sophisticated clients in high-stakes and sensitive matters. Mr. Todres has a track record of obtaining victories for clients in bet-the-company cases and other significant disputes, including challenges to business-critical transactions and claims alleging serious wrongdoing. He regularly litigates M&A and other deal-related disputes, contract and joint venture disputes, business tort claims, securities class actions, and enforcement proceedings. A portion of Mr. Todres's practice is also devoted to representing and counseling real estate investors, lenders, and owners in contentious matters arising out of real estate transactions.

In 2026, Mr. Todres was featured in Bloomberg Law's "They've Got Next: the 40 Under 40" special report, which recognizes the top lawyers in the country under the age of 40 as the next generation of legal leaders. Among other achievements, he was recognized for his work as part of the team that helped secure Nippon Steel's historic $14.9 billion partnership with U. S. Steel. He is a frequent author and commentator on a variety of topics in commercial litigation, regularly contributing to the New York Law Journal and other leading legal publications.

Mr. Todres received his B.A. from the University of Pennsylvania, magna cum laude, and his J.D., magna cum laude, from the Fordham University School of Law, where he was named to Order of the Coif, and served as an editor of the Fordham Law Review. Following law school, Mr. Todres clerked for Judge Shira A. Scheindlin (Ret.) for the United States District Court of the Southern District of New York.

Lenny Traps (Chapter 30, *Document Discovery*) is a partner in the Sullivan & Cromwell Litigation Group. He litigates a wide range of commercial matters, including securities, shareholder derivative, M&A, antitrust, contract, and product liability cases in federal and state court and in arbitration. Lenny has been recognized as a "Future Star" (2022–2025) and a "Litigation Star"

(2026) by *Benchmark Litigation*, and was named to *Benchmark Litigation*'s "40 & Under List" (2022–2025). Lenny has also been recognized by *Lawdragon*'s 500 X—The Next Generation (2023–2024) and as a "Rising Star" in Securities by *Law360* (2024). Prior to joining S&C, Lenny clerked for the Honorable Dennis Jacobs of the United States Court of Appeals for the Second Circuit. He earned his J.D. from Columbia Law School in 2012 and his B.A. from New York University in 2009.

Harry P. Trueheart, III (Chapter 99, *Sale of Goods*) is Chair Emeritus and Senior Counsel at Nixon Peabody LLP. He is a past Chair of the New York State Bar Association Commercial and Federal Litigation Section. His practice has focused on business and commercial litigation and international business disputes. Mr. Trueheart has handled major international arbitrations involving international project disputes.

He is the past Chair and CEO of TerraLex, a global network of over 150 leading law firms in 100 countries.

He is active as a neutral serving as both an arbitrator and mediator in domestic and international business disputes. He has served as a mediator, arbitrator and a party representative/advocate in arbitrations and mediations of simple and complex disputes. He is a Fellow of the Chartered Institute of Arbitrators, a Fellow of the College of Commercial Arbitrators, and on the panels of neutrals for the International Institute for Conflict Prevention and Resolution (CPR) and for the American Arbitration Association. He has also acted as a mediator in court annexed ADR programs.

Mr. Trueheart is a graduate of Harvard University, Harvard Law School, and the University of Michigan School of Business Executive Program, and is admitted to practice in New York.

Alan C. Turner (Chapter 72, *Crisis Management*) is a Partner in Simpson Thacher & Bartlett LLP's Litigation Department. He has more than 25 years of experience successfully representing clients in trial and appellate proceedings in a broad range of high-stakes complex commercial litigation matters, primarily in the financial services sector. Mr. Turner has extensive experience in bankruptcy litigation and works closely with Simpson Thacher's Restructuring Department on a range of matters, including fraudulent conveyance claims, contested plan confirmations, settlement negotiation and approval proceedings, mass tort bankruptcy issues, Ponzi schemes, and liability management transactions. His representative engagements include obtaining a dismissal for JPMorgan Chase in antitrust class actions alleging manipulation of LIBOR and other benchmark rates; representing Berkshire Hathaway affiliates in chapter 11 proceedings of talc defendant Whittaker, Clark & Daniels; and defending and successfully resolving claims against

Royal Bank of Scotland and other financial institutions in dozens of individual and class actions relating to underwriting and issuance of residential mortgage-backed securities. Mr. Turner also has an active *pro bono* practice where he represents numerous immigration asylum candidates.

Mr. Turner joined Simpson Thacher in 2000 and became a partner in 2010. He received a Master of Laws (LL.M.) from the University of Chicago Law School in 2000, a Bachelor of Laws (LL.B.) with Honors and a Bachelor of Commerce from the University of Auckland in 1996. Prior to his U.S. legal practice, Mr. Turner practiced for three years as a commercial litigation attorney at a leading New Zealand law firm.

Lilia Vazova (Chapter 69, *Arbitration*) is a partner in Latham & Watkins LLP's New York office focusing on criminal and regulatory matters, complex commercial litigation, and international arbitration. Ms. Vazova is a member of the firm's White Collar Defense & Investigations, Complex Commercial Litigation, and International Arbitration Practices. She advises clients on cross border, multi-jurisdictional government investigations, and complex business disputes. Ms. Vazova has extensive experience in criminal and civil litigation, internal investigations, and commercial disputes—particularly matters involving concurrent criminal and civil proceedings or parallel litigations in multiple jurisdictions in the US and internationally. She litigates business disputes in federal and state courts, as well as under the arbitration rules of all major international arbitration institutions.

Angela Vicari (Chapter 107, *Products Liability*) is a partner in Arnold & Porter's Complex Litigation practice group. A seasoned product liability and commercial litigator, she represents clients in high-profile, complex litigation in courts across the country, including federal multidistrict and coordinated mass tort proceedings. Recognized by *New York Super Lawyers* as a "Super Lawyer" in Products Liability and Business Litigation, Angela has decades of experience defending pharmaceutical, medical device, biotechnology, tobacco, and consumer product companies in some of the nation's largest products liability matters. Angela earned her J.D. from Columbia Law School and her B.A., *magna cum laude*, from New York University, where she captained the Women's Basketball Team and is a member of the NYU Athletics Hall of Fame. She is active in the New York legal community, including by formerly chairing the Young Lawyers' Committee and serving on the E-Discovery Task Force and the Enhance Diversity in the Profession Committee of the New York City Bar Association.

Craig Waldman (Chapter 133, *Negligence*), Partner in Simpson Thacher's Litigation Department, has extensive experi-

ence representing clients in high-profile securities litigation, including class and derivative actions, in courts throughout the country. Described by sources in *Chambers USA* as "one of the rare lawyers who is fantastic with details but also big-picture strategy" and a lawyer who "thinks outside the box" to give "crisp commercial advice," he also frequently represents leading private equity and corporate clients in transaction-related litigation, corporate governance matters, and corporate control litigations. He has recently represented clients including Bumble, Paysafe, Valeant Pharmaceuticals, Nielsen, TaskUs, Envision Healthcare and Homepoint, among many others. He is consistently recognized as a leading securities and M&A litigator by *Chambers USA, The Legal 500, Benchmark Litigation* and *Law360*. Craig received his J.D., *cum laude*, from Cornell Law School in 2004 and his B.A., *magna cum laude*, from Tufts University in 2001. He completed a clerkship with the Hon. Richard M. Berman in the U.S. District Court for the Southern District of New York. Craig recently served as the Secretary of the Second Circuit Committee on Admissions and Grievances and on the Securities Editorial Advisory Board for *Law360*.

The Honorable Gretchen Walsh (Chapter 74, *Litigation Management by Judges*) has served as an Associate Justice of the Appellate Term, Ninth and Tenth Judicial Districts since 2022 and as a Justice of the Supreme Court, Ninth Judicial District since her election in November 2015. Justice Walsh currently sits in the Commercial Division, Westchester County, as well as the Environmental Claims Part ("ECP") and a Civil Trial Part.

Justice Walsh was the Principal Court Attorney to the Hon. Alan D. Scheinkman, J.S.C. and Administrative Judge of the Ninth Judicial District (2008-2015), where she assisted Justice Scheinkman in the resolution of cases assigned to the Commercial Division, Westchester County. In addition to her duties as Principal Court Attorney, she presided over disciplinary hearings and helped to develop the E-Filing Protocols for Westchester County's NYSCEF Program. Justice Walsh was formerly Deputy Counsel, Office of Court Administration, where her responsibilities included training hearing officers in the Small Claims Assessment Review Program and serving as Counsel to the Commercial Division Focus Groups, which culminated in the *Report to the Chief Judge on the Commercial Division Focus Groups* (July 2006). She was also the Principal Court Attorney/Special Counsel to the Hon. Jonathan Lippman, then Chief Administrative Judge, and Principal Court Attorney to the Hon. Mary Smith, J.S.C. In 2014, Justice Walsh received the *Joseph F. Gagliardi Award for Excellence* for her distinguished service in the court system.

Prior to her joining the court system, Justice Walsh was a commercial litigator at Kelly Drye & Warren LLP in New York

City (1987–2002).

Justice Walsh received her J.D. from Fordham University Law School and her undergraduate degree from SUNY Stony Brook (*cum laude, Phi Beta Kappa*). At Fordham Law School, she was the Commentary Editor for the Fordham Urban Law Journal and is the author of a Note in that Journal (1986). She was admitted to practice law in New York and New Jersey (1988) and the United States District Courts for the Southern and Eastern Districts (1988).

Justice Walsh has participated as a speaker and panelist at numerous judicial and bar association programs. Justice Walsh serves on the Executive Committee of the Society of Irish American Lawyers, and is a member of the New York State Bar Association, the Westchester County Bar Association, and the Westchester Women's Bar Association. She served as the Chair of the Committee to formulate new rules for Presumptive Mediation in Commercial Division, Westchester County (Summer 2019).

The Honorable Lillian Wan (Chapter 125, *Medical Malpractice*) is the daughter of Chinese immigrants and has lived in Brooklyn for the last 26 years. On May 25, 2022, Governor Kathy Hochul appointed Justice Wan to the Appellate Division, Second Department. Justice Wan is the first Asian American woman to be appointed to the Appellate Division in New York State. In November 2021, Justice Wan also became the first Asian American to be elected to the Supreme Court in Brooklyn. Justice Wan was originally appointed to the bench by Mayor Michael R. Bloomberg in 2012, and served in both Bronx County Family Court and Kings County Family Court hearing cases involving child abuse and neglect, custody, visitation, family offenses and juvenile delinquency. Justice Wan was appointed to the New York State Court of Claims by Governor Andrew Cuomo on June 20, 2018. Justice Wan was designated to preside over an Integrated Guardianship and Landlord/Tenant Part in New York County Supreme Court, where she heard cases involving tenants who were the subject of both Article 81 guardianship and eviction proceedings. From January 2020 until her appointment to the Appellate Division, Justice Wan sat in Kings County Supreme Court, where she presided over jury and non-jury trials, Mental Hygiene Law Article 9 hospital proceedings, and handled motions on a wide variety of civil matters.

Prior to taking the bench, Justice Wan was a Court Attorney-Referee in Kings County Surrogate's Court where she handled adoption, guardianship, and trusts and estates matters. In this capacity, Justice Wan conducted pre-trial and settlement conferences with attorneys and self-represented litigants and presided over guardianship hearings involving developmentally disabled adults and kinship hearings to determine who inherits an estate.

Justice Wan also served for nine years as a trial attorney at the Administration for Children's Services (ACS) in the Family Court Legal Services Division, where she tried and supervised hundreds of abuse and neglect trials.

Justice Wan previously served as the President of the Asian American Judges Association of New York for three years and currently serves as a board member. Justice Wan currently co-chairs the statewide Advisory Committee on Judicial Ethics for the NYS Unified Court System. Justice Wan serves on the Board of the Brooklyn Women's Bar Association and is a member of the Brooklyn Bar Association's Diversity Committee. Justice Wan is a member of the New York State Bench Book Committee. Justice Wan is also a member of the Columbian Lawyers Association of Brooklyn.

Justice Wan served as a Vice President for the New York City Bar Association. Justice Wan formerly chaired the Family Court and Family Law Committee at the City Bar, served on the City Bar's Nominating Committee, and served as the chair of the Judiciary Subcommittee on the Diversity, Equity, and Inclusion Committee. Justice Wan previously served on the board of the NYS Family Court Judges Association and was the past Vice President and Secretary of the New York City Family Court Judges Association. Justice Wan also served on the Unified Court System's Advisory Committee on Court Interpreting and the Appellate Division Second Department Mental Health Professionals Certification Committee. Justice Wan is the former co-chair of the Government and Public Sector Committee for the Asian American Bar Association of New York. Justice Wan was previously an Adjunct Professor at the Benjamin N. Cardozo School of Law where she taught Lawyering and Legal Writing to first-year law students.

Justice Wan regularly participates in various "Meet the Judges" and mentorship events in the community and has presented on career panels at various NYC schools. Justice Wan earned her undergraduate degree from Binghamton University and her law degree from Albany Law School, where she served on the Albany Law Review.

George S. Wang (Chapter 22, *Suing or Representing Foreign Corporations in New York State Courts*) is a Partner in Simpson Thacher & Bartlett LLP's Litigation department and co-leads the Firm's International Trade Regulatory and Asia Litigation Practices. Mr. Wang has extensive experience representing companies, boards of directors and individuals in large, complex commercial cases and other "bet the company" matters. He has defended many of the largest U.S. and non-U.S. companies and their directors and officers. Mr. Wang also has decades of experience advising private funds, asset managers, financial institu-

tions and other corporations on U.S. regulatory challenges faced in cross-border transactions. He regularly advises on U.S. outbound investment restrictions, economic sanctions, export controls, sensitive data, anti-corruption and other complex regulatory matters administered by OFAC, the U.S. Department of Justice, U.S. Bureau of Industry and Security and other governmental regulators. In his broad regulatory practice, Mr. Wang advocates before U.S. governmental authorities, handles governmental and internal investigations, provides transactional-oriented trade and sanctions advice, and guides companies with risk assessments, crisis management, and the development and implementation of internal policies and procedures.

Mr. Wang joined Simpson Thacher in 1999, immediately following a clerkship with the Honorable Diarmuid F. O'Scannlain of the United States Court of Appeals for the Ninth Circuit, and was elected Partner in 2006. He received his B.A., *magna cum laude*, from Harvard University in 1995. He received his J.D., *magna cum laude*, from Harvard Law School in 1998, where he was an Articles Editor of the *Harvard Law Review*.

Robert J. Ward (Chapter 152, *Commercial Leasing*) is counsel in the New York office of McDermott Will & Schulte, where the focus of his practice is on commercial and securities litigation. Mr. Ward has represented major corporations, commercial banks, investment banks, private equity firms and other business entities in complex commercial and securities litigation, in federal and state courts in New York and elsewhere. He has defended and prosecuted claims of breach of contract, fraud, accountants liability, securities fraud, breach of fiduciary duty and negligence by corporate officers and directors, breach of covenants not to compete, professional malpractice and intellectual property infringement. A top attorney, Mr. Ward was selected by *Benchmark Litigation*: The Definitive Guide to America's Leading Litigation Firms and Attorneys and *New York Super Lawyers* as one of New York's leading litigators. He received his B.A., *magna cum laude*, from Tufts University and his J.D. from New York University School of Law.

Daniel H. Weiner (Chapter 95, *Blockchain and Digital Assets*) is Chair of Hughes Hubbard & Reed's Litigation Department, Chair of the firm's Complex Business Disputes practice, and a partner in its International & Domestic Arbitration and Intellectual Property Disputes groups. A seasoned trial lawyer, Dan has served as first-chair in more than 35 litigations and arbitrations and represents clients in high-stakes commercial disputes, international arbitrations, product liability matters, securities cases, intellectual property disputes, and art and cultural property litigation. His clients span a broad range of industries, including life sciences, financial services, consumer products,

sports and entertainment, and the art world.

Dan is widely recognized as a leading disputes lawyer. He is ranked by *Chambers USA* as a leading lawyer in both commercial litigation and art and cultural property law and was also recognized in Legal 500's 2026 New York Elite rankings for commercial disputes.

Dan earned his J.D. from New York University School of Law and his A.B., cum laude, from Princeton University.

Gregg L. Weiner (Chapter 59, *Judgments*) is the Co-Chair of Ropes & Gray LLP's global Litigation and Enforcement practice group, based in New York. Mr. Weiner has a long track record of delivering successful results to financial institutions, Fortune 500 companies, professional services organizations, hedge funds and other sophisticated clients in a wide range of complex commercial disputes. His practice principally involves matters concerning the federal securities laws, commercial contracts, bankruptcy-related proceedings, financial transactions/instruments, corporate governance, breach of fiduciary duty claims, real estate disputes and mergers and acquisitions.

A frequent speaker and author on commercial law topics, Mr. Weiner's work has been published in New York Law Journal, Bank Director and Business Law Today, in addition to numerous PLI and Bar Association publications. Earlier this year, he was also highlighted by The American Lawyer in their "Litigation Leader" series.

Mr. Weiner has been repeatedly recognized by *Chambers USA*: America's Leading Lawyers for Business as a leading individual in General Commercial Litigation, by *Benchmark Litigation* as a Litigation Star for General Commercial and Securities work, by *The Legal 500* in the following litigation categories: Securities: Shareholder Litigation; and Commercial Litigation, and by *Lawdragon 500* as a Leading Litigator in America.

He received his B.A. from the University of Michigan in 1988, where he was a James B. Angell Scholar, and graduated from Columbia Law School in 1991, where he was a Harlan Fiske Stone Scholar.

Laurie Strauch Weiss (Chapter 19, *Issue and Claim Preclusion*) is a litigation partner at Orrick, Herrington & Sutcliffe LLP. She is a graduate of Cornell University and Boston College Law School where she was an Editor of the Boston College Law Review. Ms. Strauch Weiss represents clients in large, complex, and multi-party class action litigation and has handled significant actions involving the chemical and medical device industries. Ms. Strauch Weiss is a frequent lecturer, author and media source on topics concerning mass tort/class actions, novel scientific issues, expert witnesses, and international jurisdiction issues. She has been recognized in numerous publications including *Bench-*

mark Litigation's Top 250 Women in Litigation 2013–2019; *Benchmark Litigation's* National Practice Area Star and Local Litigation Star (General Commercial and Product Liability) 2013–2019. Euromoney's *Expert Guide to the World's Leading Litigation and Product Liability Lawyers* 2012; 2014 and their *Expert Guide to Women in Business Law (United States: Product Liability)*, and endorsed by *PLC Which lawyer?* 2012 for Life Sciences: Product Liability (USA).

David F. Wertheim (Chapter 92, *Workers' Compensation*) is the Managing Director of Regulatory Affairs for the Life Insurance Council of New York (LICONY), located in Albany. Previously, David spent over 30 years in public service, including as Chief Counsel for the New York State Insurance Fund (2022 to 2026), and General Counsel of the New York State Workers' Compensation Board (2016 to 2022). Legislative achievements during his tenure included New York's Paid Family Leave law (2016), omnibus workers' compensation reform (2017), the expanded provider law (2018), and many regulatory and administrative reforms centered on professional practice and procedure. Under his leadership the Workers' Compensation Board incepted the Virtual Hearing Center, which enabled continuity of practice without a single postponement of a hearing during the COVID-19 pandemic.

David was admitted to practice in New York in 1992, and is a member of the New York State Bar Association.

Thomas C. White (Chapter 50, *Admissibility Issues*) is a partner in Sullivan & Cromwell LLP's Litigation Group and a Co-Head of the Firm's International Arbitration and Global Dispute Resolution Practice. He represents leading global companies and individuals in complex commercial litigation, bankruptcy litigation, estates litigation, arbitration, and government investigations in the areas of securities law, M&A disputes, will contests, ERISA, and bank regulation. Tom has represented clients including Goldman Sachs, Barclays, UBS, Volkswagen, the Republic of Argentina, DS Smith, and Sumitomo Corporation. He has been named one of the "500 Leading Global Litigators" by *Lawdragon* and a "Litigator of the Week" by The *Am Law Litigation Daily*.

Tom earned his J.D. from Yale Law School and A.B. from Dartmouth College. He served as a law clerk for The Honorable Loretta A. Preska of the United States District Court for the Southern District of New York.

The Honorable James M. Wicks (Chapter 81, *Teaching Litigation Skills*) was appointed as a United States Magistrate Judge for the Eastern District of New York on April 26, 2021. Prior to his appointment, Judge Wicks spent over 25 years at Farrell Fritz, P.C. in New York, where he was a Partner, served

on the Management Committee and later as the firm's first General Counsel. Judge Wicks' practice concentrated in business and commercial litigation, as well as attorney ethics and professionalism issues. Prior to Farrell Fritz, he was an associate with White & Case. While in private practice, Judge Wicks also served as a Receiver and Special Master in various matters, as well as a court-appointed mediator in appellate matters.

Judge Wicks has served as an Adjunct Professor at St. John's University School of Law since 2005. He has served in a number of leadership roles in the region, including as Chairs of several not-for-profits, as well as Chair of the E.D.N.Y. Civil Litigation Advisory Committee; member of the State and Federal Judicial Advisory Council; member of the N.Y.S. Judicial Institute of Professionalism; former Chair of the N.Y.S. Bar Association's Commercial & Federal Litigation Section; and former Chair of the Federal Bar Council's Central Islip Courthouse Committee.

Judge Wicks graduated from St. John's University School of Law where he was Executive Articles Editor of the Law Review and received his Bachelor of Arts degree from Wheeling College, where he was inducted into Alpha Sigma Nu, the Jesuit National Honor Society as well as Psi Chi, the Psychology National Honor Society. Following law school, he served as Law Clerk to the Honorable Arthur D. Spatt in the U.S. District Court for the Eastern District of New York.

Richard A. Williamson (Chapter 103, *Partnerships*) is a senior partner at the law firm of Tarter Krinsky & Drogin LLP, where his practice concentrates on litigation, trials and appeals in state and federal courts in New York and around the country. He joined the firm as a partner on July 1, 2018, after having been a partner in Flemming Zulack Williamson Zauderer LLP since 1977. He received his undergraduate degree from Cornell University and his law degree from New York University School of Law. In his practice, Mr. Williamson has represented partnerships, as well as present and former partners, in disputes *inter se* and with third parties. He has often been called upon by clients, including international and domestic partnerships, as well as Fortune 500 companies, to help solve an array of complex problems.

Additionally, Mr. Williamson has assisted in the resolution of numerous high-profile matters at the request of the judiciary. For example, he served as Special Settlement Mediator in the Bank of New York shareholder derivative actions arising out of the Russian money laundering scandal and served as the court-appointed Successor Liquidating Trustee for two limited partnership hedge funds, Lipper Convertibles, L.P and Lipper Fixed Income Fund, L.P. He served as the At Home Bondholders Liquidating Trust Trustee which was a trust formed out of the bankruptcy of At Home Corporation. At Home Corporation was a

multi-billion dollar publicly held corporation.

Mr. Williamson also devotes substantial time and energy to lecturing and training other lawyers in litigation and trial techniques, by teaching regularly for the National Institute of Trial Advocacy. In addition, he is a leader of the organized bar. Mr. Williamson has been a member of the Board of Directors (for numerous terms) of the New York County Lawyers' Association, where he has served as Chair of the Committee on the Federal Courts and organized and moderated numerous programs. In addition, Mr. Williamson was Co-Chair of the Committee that provided Special Masters to assist justices of the Supreme Court of the State of New York, New York County, where he served for more than 20 years as a Special Master himself.

The Honorable Rowan D. Wilson (Chapter 1, *Commercial Litigation in New York State Courts*), Chief Judge of the State of New York and the New York State Court of Appeals, was born in Pomona, California, and grew up in Berkeley, California. He received his A.B. degree from Harvard College in 1981, and his J.D. degree from Harvard Law School in 1984. He was admitted to the bar of the State of California in 1985, and the bar of the State of New York in 1987. From 1984 to 1986, he served as a law clerk to the Honorable James R. Browning, Chief Judge of the United States Court of Appeals for the Ninth Circuit, based in San Francisco, California. In 1986, he joined the firm of Cravath, Swaine & Moore in New York City as an associate, and was elected to partnership there in 1991, in which position he continued until February 2017. His practice encompassed a wide variety of matters, including antitrust, intellectual property, securities and common-law fraud, contract, labor and employment, civil rights and First Amendment issues. On January 15, 2017, Governor Andrew M. Cuomo nominated Judge Wilson to serve as an Associate Judge of the Court of Appeals, and the New York State Senate confirmed his nomination on February 6, 2017. On April 10, 2023, Governor Kathy Hochul nominated Judge Wilson to serve as Chief Judge of the Court of Appeals and the State of New York. The New York State Senate confirmed his nomination on April 18, 2023. While in private practice, Judge Wilson served on the boards of several charitable and not-for-profit organizations and handled numerous pro bono matters.

Shannon B. Wolf (Chapter 131, *Fraud*) is a partner with McDermott Will & Schulte. She focuses on all aspects of regulatory enforcement, white collar criminal defense, internal investigations and related complex civil litigation including securities fraud, insider trading and other business crimes or regulatory violations.

Shannon also counsels clients on compliance matters, from creating and auditing robust, specifically tailored compliance programs, to crafting comprehensive training programs, and implementing corrective measures in instances of compliance deficiencies.

Before joining the firm, Shannon practiced at two national law firms and served as internal investigations counsel for a large defense contractor. She is an adjunct professor at the University of Connecticut School of Law where she teaches corporate crime.

Steven Wolowitz (Chapter 115, *Securitization and Structured Finance*) is a senior litigation partner at Mayer Brown LLP. An accomplished litigator, Mr. Wolowitz's practice focuses on financial services litigation, antitrust matters, complex commercial cases, and government and internal investigations. Mr. Wolowitz represents commercial banks, investment banks, and corporations in securities, commodities and antitrust litigations, including class actions, and in cutting-edge cases involving derivatives, foreign exchange, structured investment vehicles, securitizations, asset management and fixed-income instruments.

U.S. and foreign institutions rely on Mr. Wolowitz in connection with cross-border disputes, cross-border discovery issues, and cross-border investigations and enforcement matters. In the area of enforcement and compliance, he represents bank, securities and issuer clients in SEC, DOJ, CFTC and state attorneys general investigations and proceedings. He also conducts internal investigations and reports to boards of directors and audit committees for public companies. Mr. Wolowitz is co-editor of *Securities Investigations: Internal, Civil and Criminal*, an authoritative resource that addresses every aspect of investigations involving the securities laws and contains practical guidance by lawyers with vast experience in such investigations.

He has been recognized in both *Chambers USA* and in *Legal 500 US* for his strength and experience in representing financial institutions in a broad range of commercial and securities disputes. Mr. Wolowitz has successfully defended clients in cases ranging from antitrust and Commodity Exchange Act class actions alleging conspiracies to manipulate financial benchmark rates, to billion-dollar claims arising from the sale of entire investment banking businesses. He co-led a team of lawyers that was honored by *Global Investigations Review* for its work on the first-ever U.S. and French joint bribery resolution while simultaneously resolving charges brought by the DOJ and CFTC. Mr. Wolowitz graduated with honors from The George Washington University Law School.

Nina Yadava (Chapter 130, *Deceptive and Misleading Business Practices*) is a partner at Jones Day, where she co-leads the

Firm's Securities Litigation & SEC Enforcement Practice. She has more than a decade of experience defending public companies and their officers and directors in shareholder litigation and against claims of fraud in New York and around the country. She also has extensive experience representing companies, including major financial institutions, in complex contractual disputes primarily related to structured products and business combinations, and has provided guidance to companies across the globe faced with such issues arising under New York law.

Ms. Yadava was named one of the top six securities litigators in the country under 40 years old by *Law360* in 2018 and maintains an active pro bono practice, having recently secured protected status in the U.S. for a young Honduran woman after a multi-day trial. She is also a member of the board of directors of Summer Search NYC, a national youth development nonprofit, the New York City Bar Association, and the South Asian Bar Association of New York.

Jooyoung Yeu (Chapter 45, *Trial Preliminaries and the Opening Statement*, and Chapter 69, *Arbitration*) is a partner in Latham & Watkins LLP's New York office and a member of the firm's Complex Commercial Litigation Practice. Ms. Yeu represents clients in complex commercial litigation and high-stakes business disputes across a broad range of industries. Her practice focuses on contract disputes, business torts, securities litigation, M&A-related disputes, shareholder and corporate governance litigation, and other significant commercial matters. She has extensive experience advising clients through all stages of litigation, from pre-suit strategy and case development through discovery, dispositive motion practice, trial, and appeal. Ms. Yeu regularly appears in the state and federal courts of New York and in courts throughout the United States, and has substantial experience developing litigation and trial strategy, preparing witnesses, litigating evidentiary issues, and advocating on behalf of clients in complex and fast-moving disputes. Ms. Yeu received her B.A. from Barnard College and her J.D. from Harvard Law School.

Jonathan Youngwood (Chapter 133, *Negligence*) is Global Co-Chair of Simpson Thacher's Litigation Department, leads the Firm's Civil Securities Litigation Practice and serves on the Firm's Executive Committee. He has more than 25 years of experience representing corporations, boards of directors and other clients in high-profile complex commercial litigation, arbitration, investigations and regulatory matters. His practice includes securities and M&A-related litigation, as well as disputes concerning corporate control, ERISA, antitrust and bankruptcy.

Jon is an experienced appellate lawyer who has argued more than 25 appeals, including in a majority of the federal circuit

courts, and has secured significant reversals and affirmances for clients across a range of industries. In 2024, he obtained a New York state-court appellate reversal nullifying certain due diligence requirements for underwriters involved in offerings from Paramount Global, and he was named a Law360 Banking "MVP" for 2024.

Chambers and Partners consistently ranks Jon Band 1 in securities litigation. He is also recognized by Benchmark Litigation and The Legal 500, including The Legal 500's "Hall of Fame" for Financial Services Litigation and Securities Litigation: Defense, and as a leading lawyer in M&A Litigation: Defense and General Commercial Disputes.

Jon's work has been recognized by a number of publications and organizations, including Variety's Legal Impact Report (2024), The National Law Journal as a "General Litigation Trailblazer" (2023), Law360 as a Class Actions "MVP" (2020), Lawdragon's "500 Leading Lawyers in America" (2020), and the New York Law Journal as a "Distinguished Leader" (2017). He received Euromoney's Benchmark Litigation "Securities Lawyer of the Year" (2017) and was named a "Top 10 Nationwide Securities Star" by Benchmark Litigation (2017).

Jon has also been recognized for pro bono work, including as The Am Law Litigation Daily "Litigator of the Week" (2024) and the Federal Bar Council's "Thurgood Marshall Award for Exceptional Pro Bono Service" (2021), and he received The Jewish Theological Seminary's Judge Simon H. Rifkind Award (2020). He has received the Burton Award for Achievement in Legal Writing, edits the Firm's monthly Securities Law Alert, co-chairs PLI's annual program "Securities Litigation: From Investigation to Trial," and is Co-Editor of the third edition of PLI's *Securities Litigation: A Practitioner's Guide* (2024).

Jon received his B.A., with honors, from Brown University (1990), his J.D., with honors, from the University of Chicago (1994), and a Master of Public Policy from the University of Chicago (1992). He joined Simpson Thacher in 1995 following a clerkship with the Hon. Dennis G. Jacobs of the U.S. Court of Appeals for the Second Circuit. He became a Partner in 2003, head of the Civil Securities Litigation Practice in 2015, and Global Co-Chair of the Litigation Department in 2016.

Andrew P. Zappia (Chapter 126, *Franchising*) is a partner at Troutman Pepper Locke LLP and he is the Practice Group Leader for the firm's Health Care and Life Sciences IP team. His practice focuses on intellectual property litigation, licensing, and franchise law. In addition to an active practice in patent, trademark, copyright, and trade secret litigation, he has represented franchise clients in litigations and arbitrations across the country on issues including franchise sales practices, RICO

claims, encroachment, product and supply disputes, breach of contract claims, termination disputes, unfair competition and non-competition issues, and regulatory investigations. He is a *Phi Beta Kappa* and *summa cum laude* graduate of Tufts University. He received his law degree from the University of Virginia, where he was a member of the Order of the Coif. He has been recognized in *Best Lawyers in America, Super Lawyers*, and has been named a Franchise Law Legal Eagle.

George A. Zimmerman (Chapter 60, *Effect of Bankruptcy Proceedings on Pending Litigation and Judgments*) is a retired Partner at Skadden, Arps, Slate, Meagher & Flom LLP in New York and has held various leadership positions at the Firm, including head of the New York litigation practice.

Mr. Zimmerman's practice emphasized federal court litigation, including securities, corporate and commercial as well as leveraged finance and bankruptcy litigation.

Mr. Zimmerman served as lead litigation and trial counsel for Florida Power & Light in its bankruptcy court trial victory against the Adelphia Communications Recovery Trust, which had sued to recover approximately $300 million for an allegedly fraudulent transfer from Adelphia to two NextEra subsidiaries. The Skadden trial team led by Mr. Zimmerman prevailed in proving that the plaintiff had failed to carry its burden of establishing that Adelphia was insolvent or would have been unable to raise adequate financing to continue operations at the time of the alleged fraudulent transfer. This, notwithstanding the undisputed facts that Adelphia had committed $400 million of financial fraud, exceeded the permissible leverage ratios in its loan documents, and had no unencumbered assets. The successful result was sustained by the district court after an extensive de novo review of the trial record, and subsequently affirmed by the 2nd U.S. Circuit Court of Appeals. The victory was achieved, in part, through a novel argument that combined two concepts courts traditionally analyze independently—namely the question of Adelphia's access to the capital markets had to be evaluated in light of its $2.5 billion equity cushion (which Mr. Zimmerman's team proved), tying together the question of Adelphia's solvency with its prospective access to capital markets, a unique approach endorsed by both the bankruptcy and district courts.

Mr. Zimmerman served as lead litigation and trial counsel for the damages phase of renewable energy company NextEra Energy Inc.'s international arbitration victory over the Kingdom of Spain. Due to retroactive changes Spain made to its renewable energy laws, NextEra's solar projects became irreparably impaired. Skadden brought an arbitration against Spain before the International Centre for Settlement of Investment Disputes

(ICSID) in an effort to remedy the damage. NextEra ultimately was awarded €290 million in damages, the largest such award ever granted in the multitude of such actions brought against Spain.

Mr. Zimmerman served as lead litigation and trial counsel for Citigroup Global Markets Inc., Deutsche Bank Trust Company Americas, Deutsche Bank Securities Inc. and a leading global investment firm in their successful trial arising out of a $2 billion financing facility for Solutia, Inc. The lenders had invoked a "Market MAC" provision in refusing to fund the facility on the grounds that there had been an adverse change in the markets, which in their reasonable judgment materially impacted the syndication of the exit facility. Solutia sued to force the lenders to fund the facility. Following trial, Solutia agreed to new loan terms that were substantially more favorable to the lenders, and enabled the lenders to successfully syndicate the financing within 24 hours. The highly visible trial, which was closely followed by the markets, ultimately confirmed the utility of Market MAC provisions as a means to incentivize borrowers to recognize the need to renegotiate loan terms in the face of declining market conditions in order to obtain necessary funding.

Mr. Zimmerman also served as lead litigation and trial counsel for Spectrum Brands, Inc., a Chapter 11 debtor, in its resoundingly successful trial against a consortium of senior lenders. Spectrum was seeking either to reinstate its $1.4 billion senior secured loan or cram-down a plan of reorganization that would adjust certain restrictive covenants in the loan agreement and set a specified interest rate. The senior lenders opposed the amendments and sought a cram-down interest rate of more than double the interest rate proposed by Spectrum. As a direct result of the trial effort spearheaded by Mr. Zimmerman, the lenders agreed to virtually all of the proposed amendments to the loan agreement and to substantially lower their interest rate. As a result, Spectrum will save $500 million in cash interest payments over the next couple years.

Mr. Zimmerman secured a major victory for Flightlease Holdings Limited in its breach of contract action against Airbus Industries for wrongful termination of an aircraft purchase agreement. Following four years of intense litigation, Mr. Zimmerman won a summary judgment motion in the Commercial Division of the New York State Supreme Court resulting in an order awarding Flightlease approximately $400 million in damages. Shortly after arguing the appeal in the Appellate Division, First Department, Flightlease was able to obtain a highly successful settlement of its dispute.

In the federal securities area, Mr. Zimmerman successfully argued in the 1st U.S. Circuit Court of Appeals to affirm a dis-

missal of a roughly $1 billion fraud claim against Cowen & Co. He also successfully argued in the 2nd U.S. Circuit Court of Appeals to affirm dismissals with prejudice that he had obtained of fraudulent transfer claims against Citibank, N.A., federal securities law claims against Jet U.S. Airlines and unfair trade practice claims against AT&T Universal Card. Mr. Zimmerman also obtained dismissals of multimillion-dollar securities class actions against Citizens Communications Co. and against Grow Group, Inc. He also has represented publicly traded corporations and their officers and/or directors in securities class actions or complex commercial litigations involving the Kroll O'Gara Company; Cowen & Co., LLC; FleetBoston Financial Corporation; and Société Générale.

Mr. Zimmerman served as lead counsel in defending the Long Island Power Authority (LIPA), and successfully argued in the New York Court of Appeals against a highly publicized and politicized challenge to an agreement among LIPA, the Long Island Lighting Company (LILCO) and the state of New York. Under the agreement, LIPA acquired the Shoreham Nuclear Power Plant from LILCO for the purpose of decommissioning and closing the power plant.

Michael Zinna (Chapter 140, *Right of Publicity Claims*) is an accomplished intellectual property practitioner and partner at Kelley Drye & Warren, LLP. Mr. Zinna's practice of 25 years includes all aspects of intellectual property including patent litigation, prosecution and licensing; unfair competition litigation; and trademark and copyright litigation and procurement. He also counsels clients in all of these areas. He litigates extensively in federal courts around the country and also handles matters at the U.S. Trademark Trial and Appeal Board and the U.S. Patent Trial and Appeal Board. His clients come from a wide range of business sectors, including media and entertainment, medical devices, luxury goods, beauty, consumer products, transportation and logistics, energy, and hospitality. A frequent and well-received speaker before trade associations, clients, and industry groups on intellectual property issues, Mr. Zinna is also an authority on how to handle complex litigation efficiently. He is the author of ?"Techniques for Expediting and Streamlining Litigation" in Thomson Reuters's Business and Commercial Litigation in Federal Courts. He has been recognized throughout his career as a leader in intellectual property law, most recently as a "notable" practitioner by Chambers USA for Intellectual Property—New Jersey (2025).

Douglas S. Zolkind (Chapter 5, *Internal Investigations*) is a partner in Debevoise & Plimpton's White Collar & Regulatory Defense Group in New York. His practice focuses on white collar criminal defense, government investigations and internal

investigations, including the defense of corporate and individual clients in criminal and regulatory enforcement matters. Prior to joining Debevoise, Mr. Zolkind served as an Assistant U.S. Attorney in the Southern District of New York, leading investigations, prosecutions, and trials involving the Foreign Corrupt Practices Act, business and political corruption, securities and fraud offenses, money laundering and cybercrime.