

## Stephen P. Younger, Esq.



Stephen P. Younger, Past President of the New York State Bar Association, is a leading commercial litigator who is well-known for his alternative dispute resolution work. Mr. Younger has more than 30 years of experience as a business litigator. As a seasoned trial lawyer, he has tried many cases in federal and state courts and before arbitration panels. He also frequently argues appeals, particularly in the appellate courts of New York. Based on his significant ADR experience, he is often called on to serve as an arbitrator or mediator in high-stakes matters. He has served as an ADR neutral in over 75 matters.

In addition to his previous role as State Bar President, Mr. Younger has sat on numerous New York State Bar Association committees. For example, he is Past Chair of the New York State Bar's Commercial and Federal Litigation Section, and Chair of its Subcommittee on the Judiciary Article of its Constitutional Convention Committee.

Mr. Younger is the State Delegate for New York to the ABA's House of Delegates where he chairs the New York delegation. He is a member of the Steering Committee for the ABA's Nominating Committee. He serves on the ABA's Standing Committee on the American Judicial System. He is Past Chair of the ABA's International Mediation Committee and its Task Force on International Trade in Legal Services.

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

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

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

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

Mr. Younger is the Editor of the New York Commercial Division Practice Guide, which is part of Bloomberg Law's Litigation Practice Portfolio Series. He is a co-editor of Patterson Belknap's Commercial Division Blog. Mr. Younger is an Adjunct Professor of Law at Fordham University School of Law where he teaches commercial litigation.

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

## **Areas of Expertise:**

- ACCOUNTING/FINANCE
- APPELLATE
- ATTORNEY FEE/MALPRACTICE
- BANKING/LENDING LIABILITY
- BANKRUPTCY/RESTRUCTURING
- CONSTRUCTION
- CONTRACTS
- CORPORATE INVESTIGATIONS/WHITE COLLAR
- ELECTRONIC DISCOVERY
- ENTERTAINMENT, MEDIA & SPORTS
- INSURANCE/REINSURANCE
- INTERNATIONAL ARBITRATION
- MDL
- OIL, GAS, ENERGY & WATER
- PHARMACEUTICALS
- REAL ESTATE
- SECURITIES/FINANCIAL SERVICES
- TELECOMMUNICATION
- TRADE SECRET
- TRUSTS & ESTATES

## **Representative Matters:**

### **ARBITRATIONS AND ADR:**

- Successfully defended a brokerage firm in multi-day arbitration hearings against claims that CMO investments were unsuitable for an institutional client.
- Prevailed in a major international arbitration liability hearing over the breach of an agreement to acquire a telecommunications company.
- Chaired an arbitration panel in an international dispute over a merger transaction.

- Won a stock exchange arbitration involving failed securities trades on behalf of a brokerage firm.
- Service as arbitrator in a dispute over the refurbishing of a private jet.
- Mediated a dispute over liabilities assumed in a corporate takeover.
- Chaired an arbitration panel in a dispute over the accounting for a private equity transaction.
- Successfully defended a publishing company in an arbitration seeking to enforce provisions of a shareholders agreement.
- Served as the court-appointed mediator in a series of disputes over bond defaults by a Latin American country.
- Represented a real estate developer in multi-day arbitration hearings in a complex construction dispute.
- Represented a metals trading company in a multi-million dollar commodities arbitration involving aluminum and bauxite trading contracts.
- Resolved in mediation an indemnity claim asserted against a foreign bank which arose out of an unsuccessful insider trading case.

#### **SECURITIES AND COMMODITIES LITIGATIONS:**

- Won summary judgment dismissing a class action challenging commodities pricing in global markets.
- Represented a manufacturing company in a shareholder class action concerning non-disclosure of the impact of business developments on its stock price.
- Defended a brokerage firm in a RICO and securities fraud litigation concerning alleged non-disclosures of information and manipulation of market in a major Eurobond offering.
- Won dismissal on summary judgment of a securities class action against directors of a consumer products company.
- Defended a media company in a class action concerning the restructuring of a television station limited partnership.
- Prosecution for a brokerage firm of NASD arbitration involving complex securities market manipulation scheme.
- Conducted investigations and prosecuted litigations concerning an unauthorized trading scheme on behalf of a state-owned mining company, including allegations of kickback payments and market manipulation of commodities trading.
- Pursued fiduciary duty claims against financial adviser to a pension fund for mismanagement of fund investments.

#### **COMPLEX COMMERCIAL LITIGATION:**

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

- Won dismissal of a \$2 billion claim versus directors and officers of a foreign bank who were alleged to be delinquent in the management of the institution.
- Investigated a complex fraud scheme involving the privatization of state-owned enterprises in Azerbaijan, and launched cases around the world to freeze \$80 million worth of assets and recover the funds for a major insurance company.
- Defended a renewable energy company against water rights claims arising out of a contract tied to the construction of a canal.
- Represented a travel site against claims that it had failed to honor a contract following a divestiture.
- Defended a supermarket chain against allegations that it had breached a commercial lease.
- Handled a breach of contract action for a cosmetics concern arising out of the marketing of its brand in Asia.
- Pursued claims arising out of the sale of a forged painting.
- Defended a suit claiming an advisory fee for a major restructuring of a Latin American manufacturer.

#### **TRUSTS AND ESTATES LITIGATION:**

- Represented a high-profile individual in connection with his role as Executor of his late wife's estate including his right to discovery into questionable transactions.
- Obtained a resolution of litigation for a high net worth individual client regarding his elective share rights to his late wife's estate.
- Successfully resolved on behalf of the estate of a prominent physician a potential will contest.
- Won a major victory at trial before the U.S. Tax Court on behalf of several members of a family regarding whether sales of the stock among shareholders of a major closely-held corporation constituted arms-length transactions to establish the value of the shares.
- Service as special counsel to a husband in a divorce litigation and related appeals to address assets held in family trusts.

#### **Speaking Engagements:**

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

#### **Published Works:**

- Co-author, "INSIGHT: First Department Reverses Injunctions Against Fuji-Xerox Merger," Bloomberg Law (November 14, 2018)
- Co-author, "Daesang V. NutraSweet Reaffirms NY's Pro-Arbitration Attitude," Law360 (October 11, 2018)

- Co-author, “Commercial Division Enjoins Xerox-Fujifilm Deal Resulting in Resignation of Xerox’s CEO,” Bloomberg Law (May 18, 2018)
- Co-Editor, “New York Commercial Division Practice Guide,” Bloomberg Law (2017)
- Co-Author, “Bringing Cayman Derivative Claims In NY Just Got Easier,” Law360 (December 5, 2017)
- Co-Author, “A Constitutional Convention, Opportunities to Restructure and Modernize the New York Courts,” NYSBA Journal (October 2017)
- Co-Author, “First Department Adds Two New Factors to New York’s Standard of Review for Non-Monetary Settlements of Shareholder Class Actions,” Bloomberg BNA’s Corporate Law & Accountability Report (March 1, 2017)
- Co-Author, “Court Confirms Hedge Funds Did Not Act In Bad Faith, Affirms Large Judgment,” New York Law Journal (February 7, 2017)
- Co-Author, “A New Tool For Obtaining Jurisdiction In New York Courts,” Law360 (February 2, 2017)
- Author, “Chapter 25: Use of Non-Binding Alternative Dispute Resolution Mechanisms to Foster Settlement,” Settlement Agreements in Commercial Disputes: Negotiating, Drafting & Enforcement (2017)
- Author, “More Reasons to Arbitrate in the Big Apple,” New York Law Journal (November 25, 2013)
- Author, “New York Law as an International Standard for Business,” Financier Worldwide (2011)
- Author, “Court Simplification in New York,” N.Y. County Lawyer (2012)
- Author, “Parallel Proceedings in Securities Enforcement Actions,” Journal of Securities Law, Reg. & Compliance (2010)
- Author, “Effective Representation of Corporate Clients in Mediation,” Albany Law Review (1996)

### **Professional and Community Service:**

- Past President, New York State Bar Association (Chair, Judiciary Article Subcommittee of the Constitutional Convention Committee; Past Chair, Nominating Committee; Past Chair, Court Operations Committee; Past Chair, Commercial and Federal Litigation Section; Past Chair, Task Force on Nonlawyer Ownership of Law Firms; Past Chair, ADR Committee; Past Chair, Securities Litigation Committee);
- Past Chair, Mid-Atlantic Bar Conference; N.Y.S. Delegate,
- ABA House of Delegates; Member, Steering Committee, ABA Nominating Committee; Member, ABA Standing Committee on the American Judicial System; Past Chair, ABA International Trade in Legal Services Committee; Past Chair, ABA International Mediation Committee;

- Member, Association of the Bar of the City of New York (Past Member, Committee on Arbitration; Past Secretary, Task Force on Civil Courts);
- Former Counsel, New York State Commission on Judicial Nomination;
- Member, Governor’s Judicial Screening Committee, First Department; Member, Chief Judge’s Commercial Division Advisory Council;
- Member, Task Force on Commercial Litigation in the 21st Century;
- Past Member, Chief Judge’s Advisory Committee on New York State Pro Bono Bar Admission Requirements;
- Member, ADR Advisory Committee, Eastern District of New York;
- Mediator, United States District Court, Southern District of New York, Eastern District of New York;
- Advisory Board, Financial Markets Regulatory Institute;
- Board of Directors, CPR Institute for Dispute Resolution (Past Chair, Executive Advisory Committee);
- Board of Directors, Fund for Modern Courts; Founding Board Member and vCce Chair, New York International Arbitration Center;
- Advisory Council, Brooklyn Legal Services;
- Chair of the Board, Historical Society of the N.Y.S. Courts;
- Fellow, The New York Bar Foundation;
- Fellow, the American Bar Foundation;
- Trustee Emeritus, Albany Law School; Past President, National Alumni Council, Albany Law School;
- Secretary, Harvard Club of New York City.

## **Honors and Awards:**

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

### **Admitted to Practice:**

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

### **Education:**

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