

## Stephen P. Younger

Senior counsel | New York

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Stephen P. Younger, past president of the New York State Association, is a seasoned litigator and trial lawyer in the firm's Dispute Resolution division. He focuses his practice on commercial, securities and real estate disputes.

Stephen has over 35 years of litigation experience and has tried numerous cases in federal and state court and before arbitration panels. His clients include financial institutions, mutual funds, hedge funds, private equity funds, venture capital firms, real estate developers and multinational companies.

He also frequently argues appeals, particularly in the appellate courts of New York and is well-known for his alternative dispute resolution (ADR) work. Due to his experience in the ADR field, he is often called on to serve as an arbitrator or mediator in high-stakes matters. In addition, he serves as editor of the New York Commercial Division Practice Guide, which is part of Bloomberg Law's Litigation Practice Portfolio Series, and teaches commercial litigation as an Adjunct Professor of Law at Fordham University.

## Education

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

## Admissions

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



## Representative experience

*\* The below representative experience includes representations from my prior firms.*

### Complex commercial litigation\*

- Won appeal of the dismissal of multi-billion dollar fiduciary duty claims arising out of a merger of sports betting companies
- 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-disclosure of information and manipulation of market in a major Eurobond offering
- Obtained dismissal of a \$2 billion claim versus directors and officers of a foreign bank
- Defended a media company in a class action concerning the restructuring of a television station limited partnership
- Pursued a business break-up dispute over a family real estate company
- Obtained dismissal on summary judgement of a securities class action against directors of a consumer products company
- Prosecution for a brokerage firm of NASD arbitration involving complex securities market manipulation scheme
- Conducted investigations and prosecuted litigations of an unauthorized trade scheme for a state owned mining company, including allegations of kickback payments and market manipulation of commodities trading
- Represented a foreign bank in complex litigation brought against the trustee that oversaw mortgage pools that were alleged to have been impacted by fraudulently induced condominium purchases
- Advised the board of a tech company on takeover defense issues
- 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

### Arbitration and ADR\*

- Successfully defended a brokerage firm in multi-day arbitration hearings against claims that CMO investments were unsuitable for an institutional client
- Prevailed in a major international arbitration liability hearing over the breach of an agreement to acquire a telecommunications company
- Chaired an arbitration panel in an international dispute over a merger and acquisition transaction
- Won a stock exchange arbitration involving failed securities trades on behalf of a brokerage firm
- Service as arbitrator in a dispute over the refurbishing of a private jet
- Mediated a dispute over liabilities assumed in a corporate takeover
- Successfully defended a publishing company in an arbitration seeking to enforce provisions of a shareholders agreement
- Served as the court-appointed mediator in a series of disputes over bond defaults by a Latin American country
- Served as chair of the arbitration panel in a multi-million-dollar dispute relating to an explosion at an oil refinery
- Represented a metals trading company in a multi-million-dollar commodities arbitration involving aluminum and bauxite trading contracts



## Trust 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
- Negotiated the resolution of litigation for a high-net-worth individual 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
- Handling a complex sexual abuse case involving trusts and estates of a major philanthropist
- Service as special counsel to a husband in a divorce litigation and related appeals to address assets held in family trusts

## Real estate litigation\*

- Defended an accessibility dispute over access to a historic office building
- Defended widow of a highly successful real estate family in challenge to estate plan
- Represented a real estate developer in multi-day arbitration hearings in a complex construction dispute
- Defended land use challenges to a major multi-use project in Manhattan
- Defended multiple challenges to the manner in which a general partner distributed proceeds from a real estate transaction involving a hotel development project

## Appeals\*

- Obtained a reversal in a landmark Court of Appeals decision on attorney-client privilege in the context of mergers and acquisitions
- Successfully appealed a groundbreaking fiduciary duty decision concerning the liability of financial advisers in New York
- Won a case of first impression in New York's Appellate Division concerning the viability of a fraud claim for concealing evidence that was subpoenaed in a commercial arbitration
- Obtained reversal of an attachment order over a Miami hotel under novel jurisdictional theories
- Argued the appeal of collateral estoppel issues in a major commercial litigation before the New York Court of Appeals
- Handled an appeal to the New York Court of Appeals in a case of first impression involving the enforceability of preliminary agreements under New York law
- Handled a Second Circuit appeal regarding the scope of arbitration clauses as applied to a mutual fund adviser
- Argued an appeal before the New York Court of Appeals in a dispute over the dissolution of a hedge fund
- Won an appeal in the Second Circuit of a preliminary injunction against retaliation under the FLSA



## Attorney general representation\*

- Advised a leading credit reporting company in connection with Attorney General and related investigations into a data breach
- Handled an appeal in the New York Court of Appeals addressing whether the New York Attorney General is bound by arbitration clauses signed by alleged victims and the standard for pleading fraud claims brought by the Attorney General
- Negotiated a multi-million-dollar tax settlement for high-net-worth individual
- Handled the reorganization of a nonprofit organization whose operations were regulated by the Attorney General's office
- Represented a key witness at trial of a suit by the Attorney General claiming mismanagement of a nonprofit.

## Bankruptcy litigation\*

- Pursued fraudulent transfer and equitable subordination claims over the break-up of a commercial office building partnership
- Oversaw a Chapter 15 proceeding concerning the failure of a foreign bank
- Handled U.S. bondholder litigation over rights to offshore condominium projects that were placed into a foreign bankruptcy
- Involved in a cross-boarder dispute relating to the impact of a Mexican bankruptcy

## Insurance coverage\*

- Led a private equity firm's successful effort to convince its D&O carrier to cover a series of litigations that threatened the company
- Represented a mutual fund in a case that went up on appeal to the U.S. Court of Appeals for the Second Circuit on the issue of whether the client's insurer would have to cover a series of fraud suits brought by the client's customers
- Represented a major US pharmaceutical and health products company regarding business interruption coverage arising from a consumer product recall
- Represented an insurance brokerage charged by the New York Attorney General and various class action plaintiffs with receiving what are known as "contingent commissions"
- Spearheaded a Constitutional challenge to New York's system for self-funding workers compensation coverage for workplace accidents

## Law firm defense\*

- Defended securities fraud suit against major law firm concerning bond issue of a United States commonwealth
- Defended disciplinary complaint brought against corporate attorney
- Defended multiple disqualification motions in major commercial litigation
- Advised law firm on compliance with ethics rules
- Defended a law firm break-up
- Service as expert witness in law firm-related issues



## Other high-profile matters\*

- Served as lead counsel in mediation of a dispute over a large bequest to a Presidential library
- Served as Special Counsel to the Mayor to investigate the New York City Commissioner of Cultural Affairs
- Represented well-known hip-hop producer in First Amendment challenge to New York's Lobbying Law
- Successfully defended against a challenge to New York's clean energy laws
- Quarterbacked a challenge to New York's redistricting of congressional and legislative offices
- Advised New York's then Chief Judge on legal issues surrounding the prolonged failure to grant pay raises to members of the Judiciary

## Insights

- "Ausländische Erfahrungen mit der Zulassung von Fremdkapital," Anwaltschaft im Blick der Wissenschaft - November 2023), speaker
- "Leading in Non-Profit and For-Profit Environments: Differences and Similarities," NYSBA Business Law Section 2023 Spring Meeting: Leadership In Business - April 2023, speaker
- "Observations, Challenges, and the Future of New York City-Conversation with Mayor Eric L. Adams," Harvard Club - November 2022, moderator
- "Venue Decisions," NY State Bar Association's Commercial Litigation Academy - November 2022, moderator
- "National Conference of Bar Presidents 2022: Balancing Regulatory Innovation and Core Values: Can We Have It All?," Podcast, Legal Talk Network - March 2022, speaker
- "Commercial Division Rules in Supreme and County Courts: What You Must Know" Webinar, Albany Law School - May 2021, speaker

## Professional affiliations & appointments

- Past President New York State Bar Association. In addition, Stephen has sat on numerous New York State Bar Association committees, including:
  - Senior Advisor, Crypto Task Force
  - Member, Nomination Committee
  - Life member, House of Delegates
  - Past Chair, Commercial and Federal Litigation Section
  - Past Chair, ADR Committee
  - Past Chair, Securities Litigation Committee



- Past Chair, Task Force on Nonlawyer Ownership of Law Firms
- Past Chair, Judiciary Article Subcommittee of the Constitutional Convention Committee
- State Delegate for New York to the ABA's House of Delegates, and chairs the New York delegation
- Member, Steering Committee of the ABA Nominating Committee
- Chair, Governing Council of the ABA's Center for Innovation
- Past Member, ABA Committee on the American Judicial System
- Past Chair of the ABA's Issues of Concern to the Profession Committee, International Mediation Committee, and its Task Force on International Trade in Legal Services
- Served as the ABA's representative to the United Nations Economic and Social Council
- Former Counsel, New York State Commission on Judicial Nomination
- Past Member, Governor's Judicial Screening Committee, First Department
- Past Chair of the Board, Historical Society of the N.Y.S. Courts
- Member, Executive Committee of the Fund for Modern Courts
- Member, Chief Judge's Commercial Division Advisory Council
- Past member, Chief Judge's Task Force on Commercial Litigation in the 21<sup>st</sup> Century
- Past Member, Chief Judge's Advisory Committee on New York State Pro Bono Bar Admission Requirements
- Executive Committee, Board of Directors, CPR Institute for Dispute Resolution (Past Chair, Executive Advisory Committee; Chair International Committee)
- Founding Board Member and Former Vice Chair, New York International Arbitration Center
- Founding Board Member, Latino Judges Association Foundation
- Fellow, Chartered Institute of Arbitrators
- Past Member, ADR Advisory Committee, Eastern District of New York
- Vice President, American Counsel Association
- Trustee Emeritus, Albany Law School
- Past President, National Alumni Council, Albany Law School
- President, Harvard Club of New York City

## Recognitions

- Recognized as a Benchmark Litigation Star in *Benchmark Litigation* (2023)
- 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's 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 American* in the areas of Appellate Practice, Arbitration and Mediation
- Named to Top 100 New York City attorneys in *Super Lawyers*
- Received Martindale-Hubbell's highest rating of "AV Preeminent"

## Professional activities

- Harvard Club of NYC, President
- American Counsel Association, Vice President
- ABA Innovation Center, Governing Council Chair
- American Bar Association, State Delegate
- New York State Bar Association, House of Delegates
- Mid-Atlantic Bar Conference, Past Chair
- Association of the Bar of the City of New York (Past Member, Committee on Arbitration; Past Secretary, Task Force on Civil Courts)
- Brooklyn Legal Services, Advisory Council
- Latino Judges Association Foundation, Founding Board Member
- Center for International Legal Studies, Congress of Fellows
- New York Bar Foundation, Fellow
- American Bar Foundation, Fellow
- Law Clerk to the Hon. Hugh R. Jones, Associate Judge of the New York Court of Appeals

## Proposed fees

- Standard rate (USD) - \$1,500

