



Neil S. Binder Partner

Neil Binder's practice focuses on complex commercial and financial litigation. He has extensive trial and appellate experience, and has represented clients in a wide range of civil matters from the pre-complaint stage through trial and appeal.

In addition to his representation of broker-dealers, institutional investors, companies and individuals in an array of commercial litigation matters, Neil has also represented parties in government investigations involving the financial services industry. Prior to founding Binder & Schwartz, Neil was a partner at a leading financial services law firm where he specialized in complex financial litigation. Neil served as an Assistant United States Attorney for the Southern District of New York from 1999-2003 where he represented the United States in numerous affirmative and defensive matters and served as lead counsel for the United States in the Enron bankruptcy proceedings.

Representative Matters

- Represented MCML Limited (formerly ED&F Man Capital Markets Ltd.) in multi-district litigation involving claims of fraud in connection with the payment of tax reclaims by the Danish Tax Authority. Obtained summary judgment against the pension plans who sought to shift their liability to MCML in all "bellwether" cases pending in the S.D.N.Y.
- Serve as counsel to a jewelry manufacturer in a multimillion-dollar dispute with an overseas joint venture partner in the Commercial Division of the New York State Supreme Court.
- Prevailed in FINRA arbitration on behalf of senior executive in action against former investment bank.
- Represented corporation in multi-year DOJ and CFTC investigation, which resulted in the government's decision to take no action.
- Represented former CFO of MF Global in securities and commodities class actions and trustee litigations in the Southern District of New York, all of which were resolved without any payment by our client.
- Represented litigation trust in the chapter 11 proceedings of General Motors in connection with the prosecution and resolution of an objection to a \$2.67 billion claim by a noteholder group, which was settled favorably for GM creditors mid-trial.
- Counsel for a large group of individual defendants in securities actions brought by the Federal Housing Finance Agency in connection with issuance of residential mortgage-backed securitizations.
- Represented The Boeing Company in litigation involving tens of billions of dollars in property damage arising in connection with the September 11 terrorist attacks.
- Represented a global financial services firm in litigation arising out of the sale of claims in connection with Interstate Bakeries

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Honors & Affiliations

- Repeated selection as a New York Super Lawyer for Business Litigation and Securities Litigation
- Member, BRAC USA Board of Directors
- Recipient of U.S. DOJ Director's Award for Superior Performance from the Executive Office of U.S. Attorneys

Education

- New York University School of Law, J.D., magna cum laude, 1995; elected to Order of the Coif
- Columbia University, M.A. and M. Phil., 1992
- Wesleyan University, B.A., 1987

Clerkships

- Honorable Phyllis A. Kravitch, United States Court of Appeals for the Eleventh Circuit

Bar & Court Admissions

- New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Fifth Circuit