



Wendy H. Schwartz

Partner

Wendy Schwartz handles complex business and regulatory disputes, false claims act/qui tam defense, and internal and government investigations. Her clients include significant multinational companies and their directors, executives and employees in the financial services, technology, life sciences, commodities and construction business sectors.

Her cases often involve cross border issues. Prior to founding Binder & Schwartz, Wendy was a partner in the New York office of one of the largest international firms in the world. She served as an Assistant United States Attorney for the Southern District of New York from 1995-2003, ultimately as a Deputy and Acting Chief of the Civil Division. During that time, she prosecuted the “yield burning” false claims act cases; tried *NextWave v. FCC*, a fraudulent conveyance case worth \$4 billion; and represented the United States in the WorldCom bankruptcy proceedings.

Representative Matters

- Successfully resolved several *qui tam* actions against health care company, advancement and indemnification claims by legacy former executives, and overseas litigation with company’s excess D&O carriers.
- 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, encompassing related litigation in Singapore and a Chapter 15 bankruptcy proceeding in the Southern District of New York.
- Secured a favorable resolution on behalf of an individual executive in a fraud action brought by a liquidator in connection with a hedge fund collapse following criminal indictments, following a deposition in which the client’s lack of involvement was clearly established.
- Litigated nationwide disputes on behalf of a group of emergency room physicians against a health insurer regarding underpayments for services, proceeding through discovery and summary judgment before reaching a favorable resolution.
- Counsel for a supplier in multiple gas supply contract disputes, one of which proceeded through a full arbitration fact hearing and another of which was litigated in New York State Court.
- Prevailed in a full arbitration on behalf of a financial services company in connection with the cancellation of a vendor contract following discovery that the vendor had fraudulently manipulated key metrics. Arbitration included substantial discovery and a multi-day fact hearing.
- Advised a consultant to a public company under SEC investigation, resolving the matter with no action taken against the client.
- Negotiated a pre-litigation resolution on behalf of a landlord sued by a public interest organization for allegedly improper eviction practices, with no admission of liability.

140 East 45th Street
Suite 26B
New York, NY 10017

Tel: 212.510.7143
Mobile: 203.249.3814

wschwartz@binderschwartz.com

Representative Matters (continued)

- Represented an individual employed in a sensitive government position in a conflict-of-interest OIG investigation involving allegations of mishandling confidential information, resolving the matter with no action taken following a significant document production and client proffer.

Honors & Affiliations

- Fellow, Litigation Counsel of America
- Repeated selection as a New York Super Lawyer for Business Litigation
- Inclusion as one of the top 50 Women Super Lawyers in the New York Metro Area
- Selection by the New York Lawyer in 2001 as one of 'Fifteen Lawyers Under 40 Shaping the Law for the 21st Century'
- Recipient of U.S. DOJ Director's Award for Superior Performance in Civil Enforcement

Speaking Engagements

- Bankruptcy Basics for Government Investigations, White Collar Zoom Chats, April 2021
- Instructor, National Institute for Trial Advocacy Training for NYLAG Lawyers, March 2019
- Moderator, Internal Investigations: From Crisis Management to Cultural Change, Consero Financial Services & Insurance Litigation Forum, April 2018
- Panelist on Direct Examinations, Federal Bar Council Trial Advocacy Training for Pro Bono Lawyers, May 2017
- Ethics Issues Implicated by Proposed Amendments to the Federal Rules of Civil Procedure, University of Pennsylvania Law School CLE, May 2015
- What It's Really Like to Practice Law As a Woman, New York City Bar Association, July 2014
- Panel on Federal Rules Amendments, New York County Lawyers' Association, September 2013
- When Do I Need Ethical Advice and Where Do I Get It, New York City Bar Association CLE Seminar, January 2013
- Viewpoints on Global Private Equity and Co-Investment, Women's Alternative Investment Summit, November 2011
- New Front in Financial Institution Scrutiny – Treble Damages Threat in Connection with FHA-Insured Loans, Teleseminar, June 2011
- Panelist representing the New York City Bar Association at the 2010 Civil Litigation Conference, convened by the Advisory Committee on Civil Rules, U.S. Judicial Conference, May 2010

Speaking Engagements (continued)

- Arbitration and Mediation for International IP Disputes, jointly sponsored by the ABA-IPL Section, the World Intellectual Property Organization, and the International Intellectual Property Law Society, March 2010
- Managing the Intersection of Product Liability Cases with Government Investigations and Enforcement Actions, ACI 13th Annual Drug and Medical Device Litigation Conference, December 2008
- Ethics — Government Investigations, New York In-House Counsel Seminar Series, New York, June 2008
- Potential Conflicts of Interest in the Subprime Arena, LSI Subprime Conference, March 2008
- Congressional and Other Government Investigations of Marketing Practices: Assessing the Product Liability Impact and the Use of Privilege, ACI's 12th Annual Drug and Medical Device Litigation Conference, December 2007
- Investigative Ethics 2007, ABA 2007 Regional CLE Workshop on Current Issues in Pharmaceutical Litigation & Policy, November 2007
- State Qui Tam Overview, Seton Hall Law School Health Care Compliance Program, June 2007
- State Qui Tams: It's Not Just the Feds Anymore, CBI's Fourth Annual Pharmaceutical Marketing Compliance Congress, January 2007
- 'Crime in the Company!' A Guide To Conducting Corporate Investigations, Turnaround Management Association, October 2006

Education

- University of Pennsylvania School of Law, J.D., cum laude, 1990; elected to Order of the Coif
- University of Pennsylvania College of Arts and Sciences, B.A. 1986

Clerkships

- Honorable Judith S. Kaye, Chief Judge, Court of Appeals for the State of New York

Bar & Court Admissions

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