

Daniel Rothstein
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LAW PRACTICE

Law Office of Daniel J. Rothstein, P.C., New York, NY, since 2009

International commercial litigation and transactions, including:

- Recovered archive of Soviet World War II photographer Evgeny Khaldei from former agent (settled after decision on summary judgment, 2015 Westlaw 5692153)
- Obtained interim judgment for \$1.4 million against diamond dealer for breach of contract (pending, Supreme Court, NY County, Nos. 651105/2012, 652272/2015)
- Defending decedent's son against executor's claim to recover property (pending, Surrogate's Court, Richmond County, No. 2013-331)
- Suing executor for misappropriating estate property (pending, Supreme Court, Kings County, No. 502884/2013)
- Successful defense against summary enforcement of promissory note (Supreme Court, NY County, No. 652404/2014, appeal pending)
- Obtained dismissal under *forum non conveniens* of claims of fraudulent takeover of Russian real estate development company (2013 Westlaw 2458855)
- Advising U.S. citizen in connection with seizure of \$12 m. from Swiss bank accounts (SDNY, No. 14-2460)
- Counsel to St. George's Episcopal Church, Brooklyn, NY.

Flemming Zulack Williamson Zauderer LLP (and predecessor firms), New York, NY
1987-90 (*Associate*) and 2000-2009 (*Counsel*)

Commercial litigation – significant cases included:

- Defending legal malpractice action brought by Creditanstalt Investment Bank over the loss of its Russian division (summary judgment for client law firm, 2010 WL 186387; trial judgment for second law firm in companion case, City and County of Denver, Colorado, 01-CV-1677)
- Unfreezing alleged terrorist funds in U.S. correspondent bank account (funds unfrozen without litigation)
- Representing customer in claim that New York broker-dealer failed to execute instructions to sell Argentine public utility bonds (claim settled without litigation)
- Pharmaceuticals antitrust action (settled after client's claims reinstated on appeal, 386 F.3d 485)

International transactional law practice, Moscow, 1990-1991, 1992-2000:

Eversheds, *Counsel*, 1998-2000

McDermott, Will & Emery and predecessor firm **Rothstein & Shaw, P.C.**, *Partner*, 1993-98

Russian State Property Management Committee (federal privatization ministry, *Advisor*, 1992-93, placed by Professor Jeffrey Sachs under Ford Foundation grant)

Coudert Brothers, *Associate*, 1990-91

Clients included foreign and Russian companies, Russian governmental agencies, Russian and foreign NGOs. Projects involved many commercial sectors (e.g., food processing, real estate, telecommunications, manufacturing, metallurgy, financial services) and sovereign loans from World Bank/EBRD to Russia for technical support to commercial banks and on-lending to privatized industrial companies. Advised on entire business cycle of foreign investment, including currency and customs regulations, creation of local entities, contract law, employment and real estate law, and Russian and international taxation.

JUDICIAL CLERKSHIPS

Israel Supreme Court, 1991-92 (Judges Aharon Barak and Eliezer Goldberg)

U.S. Court of Appeals, Sixth Circuit, 1986-87 (Hon. Albert J. Engel)

U.S. District Court, Northern District of New York, 1985-86 (Hon. Howard G. Munson)

EDUCATION

Cornell Law School, J.D., 1985 (**Editor-in-Chief**, Cornell International Law Journal)

Hebrew University of Jerusalem, M.A., Political Science, 1983

Cornell University, A.B., Economics, 1978

PUBLICATIONS AND PRESENTATIONS *

Chair, panel on personal jurisdiction and *forum non conveniens* in non-CIS courts, ABA Conference on CIS-Related Business Disputes, Moscow, September 19, 2014

Panelist, "Russia - What Companies Must Do to Avoid Trouble," Dow Jones Global Compliance Symposium, Washington, D.C., March 27-28, 2012

"Gazprom, an Austrian Bank, and No Rule of Law" (or Bribery in the "Ordinary Course of Business"), The Moscow Times, Op-Ed, Sept. 15, 2011

"A Proposal to Clarify U.S. Law on Judicial Assistance in Taking Evidence for International Arbitration," American Review of International Arbitration, Vol. 19, No. 1, pp. 61-89 (2009)

OTHER CREDENTIALS AND AFFILIATIONS

Admitted in the State of New York since 1986, attorney registration no. 2039063

Russia/Eurasia Committee, American Bar Association (former Vice Chair)

Vice Chair, International Section, New York State Bar Association

Member, International Law Committee, New York City Bar Association

Member, Chartered Institute of Arbitrators (completed course in East-West arbitration, taught in Russian)

Founding board member, Amore Opera, New York, NY

American Joint Distribution Committee, Rome, Italy, 1978-79
Directed social/cultural center serving Soviet Jewish émigrés.

Foreign languages: Russian and Hebrew (fluent), German (proficient)

* Copies of articles and conference materials are at www.danielbrothstein.com.