

## Andrew J. Goodman

Principal

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Andrew focuses his practice on resolving disputes through litigation, arbitration and other forms of dispute resolution for businesses, securities broker-dealers and other attorneys. Through his practical approach and vigorous representation, Andy has developed deep personal relationships with clients, some of whom he has represented for more than 30 years.

Andrew represents clients in complex corporate and commercial matters including corporate, partnership and real estate disputes; as well as fiduciary duty, securities fraud and stockholder and derivative claims. Andy handles matters cost efficiently while minimizing disruption to his clients and their business without compromising effectiveness. If there is no available practical business solution, Andy draws on his more than 40 years of trial experience and zealously represents his client's rights through the courts and arbitration tribunals throughout the country.

Andy also represents securities broker-dealers in customer and industry arbitrations, regulatory inquiries, disciplinary proceedings and investigations by the Securities and Exchange Commission (SEC), New York Stock Exchange (NYSE), Financial Industry Regulatory Authority (FINRA) and state agencies. He advises broker-dealers on registration, regulatory, compliance and policy issues, and he has served as counsel to a major association of agency only broker/dealers. He also is involved in

### Services

Litigation  
Alternative Dispute Resolution  
Construction  
Financial Services  
Mergers & Acquisitions  
Securities Litigation & Enforcement  
Sports, Arts & Entertainment  
Trusts & Estates Litigation

### Admissions

New York, 1978  
U.S. District Court, Eastern District of New York, 1979  
U.S. District Court, Northern District of California, 1988  
U.S. District Court, Northern District of Texas, 1987  
U.S. District Court, Southern District of New York, 1979  
U.S. Court of Appeals for the 2nd Circuit, 1979  
U.S. Court of Appeals for the 6th Circuit, 2003  
U.S. Court of Appeals for the 7th Circuit, 1995  
U.S. Court of Appeals for the 9th Circuit, 1989

corporate and commercial transactions, generally with regulatory issues or arising from venture capital activities of broker-dealer clients.

U.S. Court of Appeals for  
the 11th Circuit, 1988  
U.S. Supreme Court, 1989

Andy is a Fellow of the Litigation Counsel of America (LCA), a select honorary society of litigators and trial lawyers nationally recognized for their effectiveness and accomplishments in litigation, and the highest ethical reputations. He served as the Arbitration Vice-Chair of the American Academy of Alternative Dispute Resolution (known as the AAADR) of the LCA from 2012-2016, and was Chair of the Institute from 2016-2020. Andy led the AAADR's mission of fostering a greater understanding of alternative methods for dispute resolution including arbitration to provide clients access to more cost-effective alternatives to traditional litigation. Towards the same objective, Andy was also the Coordinator for the arbitration sub-initiative of Globalaw, a select international law firm network.

In addition, Andy counsels attorneys on issues of professional ethics, has been retained as an expert witness in defense of legal malpractice claims and serves, and has served, as regular outside counsel to major national law firms.

## Education

J.D., New York University School of Law, 1977

B.A., New York University (*magna cum laude*), 1974

- Phi Beta Kappa

## Honors & Recognition

*Chambers USA* (New York) Recognized Practitioner, Litigation: Securities, 2014-2017

Legal Leaders "New York Area's Top Rated Lawyers", *New York* magazine, 2012 - 2013, 2015

Litigation Counsel of America, Fellow, 2008-present

New York City Litigators, "Legal Elite", *Avenue Magazine*, 2010-2011

New York Metro Super Lawyers List, 2021-present

Martindale-Hubbell Bar Register of Preeminent Lawyers for Commercial Litigation, 2010-present

Martindale-Hubbell AV/5.0 Preeminent Peer Review Rated

## Professional Activities

American Academy of Alternative Dispute Resolution of the Litigation Counsel of America

- Chair, 2016-2020
- Vice-Chair/Arbitration, 2012-2016

Amicus Committee, Commission on Social Action, Union of Reform Judaism, Member, 2007-2020

Committee of the United States Judicial Conference to Consider Standards for Admission to Practice in the Federal Courts, Consultant, 1976-1980

Globalaw International Arbitration Sub-Initiative, Coordinator, 2016-2017

New York University, Law Alumni Mentoring Program ("LAMP"), Board Member, 2003-present

Author of, and counsel of record on, the amicus brief for the Union for Reform Judaism in *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 131 S.Ct. 2806 (2011)

Lead author of, and counsel of record on, amicus brief for Center for Media and Democracy and Citizens of Responsibility and Ethics in Washington on behalf of the U.S. House of Representatives in *Trump v. Mazars USA LLP* and *Trump v. Deutsche Bank*, SCOTUS Docket Numbers 19-715 and 19-760

Westchester (NY) Chamber of Commerce, General Counsel, 2002-2007

## Community Activities

East District, Union of Reform Judaism, Chair, 2010-2012

Editorial Board, Union of Reform Judaism Press, Member, 2013-2015

Executive Committee, Board of Trustees, Union of Reform Judaism

- Member, 2008-2012
- Board of Trustees, Member, 2007-2014

Greater New York Council of Union of Reform Judaism

- President, 2008-2010
- Board Member, 2002-2010
- Regional Vice President, 2004-2008

Scarsdale (NY) Synagogue/Tremont Temple, President, 2000-2002

Union of Reform Judaism/Central Conference of American Rabbis Joint Commission on Rabbinic Placement, Member, 2013-2020

Westchester County (NY) United Jewish Appeal Business and Professional Division, Board Member, 2005-2007

## Experience

### Defeated multi-million dollar breach of contract claim to acquire competitor's business

On behalf of a client who runs a display marketing business, defeated multi-million dollar breach of contract claim to acquire competitor's business. We persuaded the trial judge that he had overlooked a critical nuance of the New York statute of frauds, resulting in reconsideration of his previous decision, and the dismissal of plaintiff's claim on summary judgment.

### Defended cross-border claim of \$18 million by major financial institution

Defended cross-border claim of \$18 million by major financial institution against directors on personal guarantees of debt of failed Canadian corporation, and settled for \$120,000.

### Framed a successful constitutional challenge under 28 U.S.C. 1983 to the reciprocal revocation of our client's professional license

Framed a successful constitutional challenge under 28 U.S.C. 1983 to the reciprocal revocation of our client's professional license, restoring operations and \$15 million in annual revenue to client's business. Our client's license had been suspended in Canada before hearings had been held – a procedure that would not have been permissible in the United States. We successfully argued that granting reciprocal suspensions in the United States, based on a foreign process incompatible with domestic notions of due process, was unconstitutional.

### Obtained defense award for major independent New York Stock Exchange broker-dealer

Obtained defense award for major independent New York Stock Exchange broker-dealer on claim by former employee and minority shareholder in New York Stock Exchange Arbitration.

### Obtained defense award in FINRA arbitration for investment banking firm

Obtained defense award in FINRA arbitration for investment banking firm on claim to share of investment banking fee.

### Obtained jury verdict and judgment on behalf of a client who had been personally defrauded out of nearly \$4 million

Obtained jury verdict and judgment on behalf of a client who had been personally defrauded out of nearly \$4 million in a sham real estate transaction in Manhattan.

### Obtained settlement in excess of \$1 million in arbitration for independent movie producer

Obtained settlement in excess of \$1 million in arbitration for independent movie producer for breach of international film distribution agreement.

### Obtained summary judgment dismissal

Obtained summary judgment dismissal, affirmed by the Second Circuit, United States Court of Appeals, of \$20 million breach of fiduciary duty and breach of contract claims against corporate officers and directors in failed merger.

Represented sole owner of music brokerage firm in obtaining statute of frauds pre-answer motion dismissal

Represented sole owner of music brokerage firm in obtaining statute of frauds pre-answer motion dismissal on claim by a finder of potential transactions for equal ownership of the business.

Served as off-panel counsel to obtain defense judgments in professional legal malpractice cases

Served as off-panel counsel to obtain defense judgments in professional legal malpractice cases (including summary judgment, bench trials and jury verdicts), representing two major national law firms as regular outside counsel.

Successfully defended a takeover attempt by a multi-national investment bank

Successfully defended a takeover attempt by a multi-national investment bank that had provided financing for a joint venture to explore natural resource discovery worth at least \$2 billion. After defeating the bank's early efforts to enforce a promissory note and seize control of the joint venture, we forced a favorable settlement in which our client bought the bank out of the joint venture for restricted shares valued at \$16 million—more favorable to client than its pre-litigation cash offer—and subsequently sold the asset for in excess of \$2 billion.

Successfully obtained rescission and refund under the federal securities laws of investment

Successfully obtained rescission and refund under the federal securities laws of investment in limited partnership producing well-known Broadway show.

## News

Five Attorneys Recognized on 2023 New York Metro Super Lawyers Lists

*Foster Garvey Newsroom*, 9.22.23

New York Attorneys Recognized in the 2021 New York Metro Super Lawyers List

*Foster Garvey Newsroom*, 9.30.21

Foster Garvey Joins Free Speech For People in Supreme Court Petition to End Super PAC Spending in U.S. Elections

*Foster Garvey Newsroom*, 6.18.20

Working to Reform Campaign Finance Systems

*Foster Garvey Newsroom*, 2019

Free Speech for People and Legal Team of Foster Garvey Lawyers and Contributors Spearhead Potentially Transformative Campaign Finance Litigation

*Foster Garvey Newsroom*, 5.17.19

Andy Goodman Honored With Peter Perlman Service Award at Litigation Counsel of America (LCA) 2018 Fall Conference  
*Foster Garvey Newsroom*, 11.13.18

### **Speaking Engagements**

"Current Developments in Arbitration," Spring Conference and Induction of Fellows, Litigation Counsel of America  
Speaking Engagement  
Newport Beach, CA, 5.2.13

"Discovery and Motion Practice in Arbitration," 2010 Fall Conference and Induction of Fellows, Litigation Counsel of America  
Speaking Engagement  
Naples, FL, 10.29.10

"Optimizing the Use of Outside Counsel for Litigation, Investigations and Regulatory Enforcement Proceedings with a Focus on the Fallout from the Ongoing Credit Market Crisis," Greater New York Chapter of the Association of Corporate Counsel  
Seminar  
The Cornell Club, New York, NY, 7.28.09

### **Legal Alerts**

Dodd-Frank and New SEC Rulemaking Initiatives: A New Regulatory Landscape for Investment Advisers  
12.14.10

### **Publications**

Class Arbitrations: An Endangered Species?  
*Litigation Commentary & Review*, 4.14.14