New York American Inn of Court

March 28, 2018

YOU, DON'T SAY!

THE FIRST AMENDMENT

2018 - 2058

6:30	Introduction
6:40	Argument of Motion to Dismiss the Indictment: UNITED STATES OF AMERICA v. INTERNET RESEARCH AGENCY LLC A/K/A MEDIASINTEZ LLC
7:10	The Communications Decency Act and The Allow States and Victims to Fight Online Sex Trafficking Act of 2017
7:50	Guided Discussion and Conclusions

Index of Materials

Biographies of Tonight's Presenters

Indictment:

UNITED STATES OF AMERICA v. INTERNET RESEARCH AGENCY LLC A/K/A MEDIASINTEZ LLC, et al. (2017)

Complaint:

Federal Election Commission: Common Cause vs. Unknown Respondents (9-7-2017)

Text:

Communications [Decency] Act excerpt (current):

47 U.S. Code § 230 - Protection for private blocking and screening of offensive material

Text:

Staff Report:

Permanent Subcommittee on Investigations, United States Senate

"BACKPAGE.COM'S KNOWING FACILITATION OF ONLINE SEX TRAFFICKING"

Text:

H.R. 1865 An Act To amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating

(passed House: January 3, 2018)

Richard H. Dolan

Richard H. Dolan has been a partner of the firm since 1982. Mr. Dolan's practice has focused on complex commercial litigation, and including trials, arbitrations and appeals in antitrust, securities, telecommunications, bankruptcy and sports and entertainment litigation. His clients have included Fortune 500 corporations, family businesses, real estate consortiums and partnerships, and electronics manufacturers, many of whom have sought his advice to strategize and negotiate threatened transactional disputes. In addition, Mr. Dolan has represented clients in connection with corporate governance issues, as well as clients negotiating and drafting agreements in a wide variety of commercial contexts, including contracts and other business documents. Several years ago he was asked to represent David Patterson, the governor of the State of New York, in defending an action brought by the Judges of the State of New York to force the state legislature to enact pay raises. Eventually his representation of the governor was expanded to include representing the legislature as well.

HIS REPRESENTATIONS HAVE INCLUDED:

- Representing Governor Patterson and the New York legislature in the Judicial Pay Cases, which were litigated throughout New York State and up to the Court of Appeals;
- Pioneering the use of partition actions in New York to allow property developers to force the sale of buildings they had fractional interests in;
- Successfully representing property developer Extell Development and enforcing purchase agreements in a series of cases arising under ILSA, the Interstate Land Sales Full Disclosure Act;
- Obtaining a Yellowstone injunction on behalf of Extell, preventing Vornado from taking control of the parking garage of a luxury apartment tower on Park Avenue South;
- Trying and then settling a Lanham Act case on behalf of Verizon against Yellowbook in the Eastern District of New York;
- Settling an anti-trust action against Bell Atlantic after a three-week jury trial in the District of Maine;
- Obtaining dismissal of a Robinson-Patman act claim for want of anti-trust injury in the Northern District of Illinois;
- Representing an officer of Air Canada in a criminal anti-trust investigation, resulting in no charges against the individual;
- Representing a Canadian investor in a case concerning the sale of unregistered securities by a UK broker before the District Court and the Second Circuit Court of Appeals;
- Representing Bell Atlantic in a Clayton Act case challenging the merger of AT&T and McCaw Cellular;
- Litigating, up to the Court of Appeals, a number of leading cases on the fiduciary duties owed in family business divorce cases;
- Winning a $30 million verdict against the World Boxing Council on behalf of a boxer who had been cheated out of his world champion title, and subsequently preventing the WBC's bankruptcy plan from being confirmed;
- Representing a boxer in a Council for Arbitration in Sport (CAS/TAS) arbitration against the WBC arising out of the WBC's failure to perform anti-doping tests after a title fight;
- Currently representing an insurance company before the Court of Appeals on the issue of whether fraudulent Medicare claims are covered under a computer fraud policy.

Mr. Dolan has been designated a Super Lawyer for the New York Metro Area from 2007-2013 in the areas of business litigation, appellate, and antitrust litigation. Mr. Dolan co-authors the monthly Eastern District Roundup column in the New York Law Journal, which has appeared continuously since 1990.

Mr. Dolan received his B.A. from Yale University in 1972, and graduated from the University of Pennsylvania

Law School with a J.D. in 1975. Mr. Dolan began his career as an associate with Simpson Thacher & Bartlett in New York. In May 1979, he left to become an Assistant United States Attorney, Civil Division, for the Eastern District of New York, where he became a prolific trial attorney, handling such diverse matters as airplane crashes, government contract claims, antitrust actions, medical malpractice, environmental violations, and federal forfeiture. During his four years with the government, Mr. Dolan also wrote and argued in over 25 appeals to the Second Circuit Court of Appeals, including arguments defending the constitutionality of a number of federal statutes and regulations.

CONTACT

Send Richard H. Dolan an email
Download Richard H. Dolan's vcard

EDUCATION

University of Pennsylvania Law School
J.D., 1975
Yale University
B.A., 1972

BAR ADMISSIONS

Massachusetts
New York
Hawaii
U.S. District Court for the Eastern District of New York
U.S. District Court for the Southern District of New York
U.S. Court of Appeals for the Second Circuit

ATTORNEYS

Herbert Eisenberg

Laura S. Schnell

Julian R. Birnbaum

Herbert Eisenberg Biography

Herbert Eisenberg's practice is devoted to representation of employees in all aspects of employment law with a focus on litigation involving employment discrimination, sexual harassment and employment contracts. He has also arbitrated securities industry employment disputes and litigated employee benefit claims under ERISA, fraud claims in the employment context,union democracy matters and has handled both public and private sector union-side collective bargaining matters.

Mr. Eisenberg is a frequent speaker at conferences on various aspects of employment law. He has taught employment law as an adjunct professor at New York Law School. He is a member of the Executive Board of the National Employment Lawyers Association. He is most recent past president of the National Employment Lawyers Association, New York Chapter, and was a member of its Executive Board for seventeen years. He is also the Second Circuit Representative on the National Employment Lawyers Association national amicus advisory council. He is former co-chair of the Labor and Employment Law Committee of the New York County Lawyer's Association.

Mr. Eisenberg is a graduate of the State University of New York at Buffalo Law School (1983) and the State University of New York at Binghamton (1979).

ISTOCKPHOTO

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FAST FACTS

PRACTICE AREAS

Appellate

Complex Commercial Litigation

Trial, Arbitration, and Mediation

EDUCATION

Columbia Law School, J.D., *magna cum laude* (1968)

Stanford University, B.A., with great distinction (1965)

BAR ADMISSIONS

U.S. District Courts for the Southern and Eastern Districts of New York

U.S. Court of Appeals for the Second Circuit

State of New York

U.S. Supreme Court

The Honorable Robert S. Smith (Ret.) is head of the firm's appellate practice, and focuses on trials and appeals. Judge Smith joined Friedman Kaplan following his retirement as Associate Judge of the New York State Court of Appeals, New York's highest court, where he served for more than a decade. During his time on the bench, he wrote scores of opinions and became well known for his judicial scholarship, insight, and intellectual rigor.

Prior to his time on the Court of Appeals, Judge Smith practiced law in New York City, and was a partner with Paul, Weiss, Rifkind, Wharton & Garrison for over 25 years. He has argued dozens of appeals before the federal and New York appellate courts, and two appeals before the United States Supreme Court. His trial experience in complex commercial cases is also extensive. He is a Fellow of the American College of Trial Lawyers.

Since joining Friedman Kaplan, Judge Smith has been active primarily in appeals, trial-level commercial litigation, expert witness testimony, and alternative dispute resolution.

REPRESENTATIVE MATTERS

- **Appeals**
  - *Commercial Tenant Services v. Northern Leasing*, 131 A.D.3d 895 (1st Dept. 2015).
  - *John Quealy Irrevocable Trust v. AXA Equitable Life Insurance Co.* (2017 WL 2636366) (decided June 20, 2017 by the Appellate Division, First Department).
- **Trials**
  - *Hellenic-American Educational Foundation v. Trustees of Athens College* (2015-16) (New York County Supreme Court, Commercial Division).
  - *Town New Development v. Reuveni* (2017) (New York County Supreme Court, Commercial Division).
- **Significant Cases Settled Before Trial**

Robert S. Smith

- *Camp v. Berman* (2015-16) (U.S. District Court, Southern District of New York).
- *Maitland v. Town Residential* (2016) (New York County Supreme Court, Commercial Division).

- **Expert Witness Testimony on New York Law Issues**
  - *Lehman Brothers International (Europe) (In Administration)* (UK High Court of Chancery, report dated June 25, 2015).
  - *American International Group v. Huaxia* (High Court of Hong Kong Special Administrative Region, report dated December 21, 2015).
  - Judge Smith has also submitted expert reports and/or testified orally in courts in Australia, Canada, the Grand Caymans and the Netherlands, and in an arbitration tribunal in the United States.

- **Alternative Dispute Resolutions**
  - Judge Smith has conducted several confidential mediations, and has been designated as an arbitrator in two proceedings.

OUTSIDE THE OFFICE

Judge Smith taught at the Benjamin N. Cardozo School of Law from 2006 until 2015, and taught at Columbia Law School from 1980 until 1990. He is the author of several articles, and a frequent speaker at bench and bar events.

NEWS + INSIGHTS

Setting Dates on a Motion for Summary Judgment in Lieu of Complaint

Portrait of the Honorable Robert S. Smith (Ret.) for Display in the New York State Court of Appeals Completed

Judge Robert S. Smith of the New York Court of Appeals to Join Friedman Kaplan

Attorney advertising; prior results do not guarantee a similar outcome.

BakerHostetler

John W. Moscow

Partner

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Overview

John Moscow is well-known and highly respected in the field of white collar criminal law, where he has spearheaded and been involved in some of the most complicated fraud cases of the past 25 years. Driven by the complex facts of the matters facing his clients and possessing the ability to manage unprecedented legal issues, John has led investigations and conducted prosecutions involving money laundering and theft by high-ranking corporate individuals and major financial institutions both domestically and throughout the world.

John spent 30 years with the New York County District Attorney's Office, where he served as chief of the Frauds Bureau and deputy chief of the Investigations Division. His knowledge and involvement in the investigation and prosecution of cases involving financial and corporate fraud led to the development of the theory of jurisdiction that has become widely adopted by lawyers prosecuting cases out of Manhattan.

Experience

- Prosecuted the major executives of a $40 billion-a-year company who were involved in the theft of more than $150 million from a public company. Initiation of the investigation, along with the subsequent management of all case work, including taking pleas, supervising the investigation and trying one of the cases in question, resulted in an accountant's permanent barring from practicing accounting, the recovery of hundreds of millions of dollars and the conviction of three individuals.
- Initiated and led the investigation of money laundering and fraud at the Bank of Credit and Commerce International, which involved senior officers and individuals from 70 countries worldwide. Through the investigation and prosecution of officers and individuals, the team recovered $1.6 billion, and directly recovered $650 million for victims of the fraud. The prosecution caused the bank to close.
- During a securities fraud case, initiated and supervised the investigation and prosecution of 17 individuals involved in the corruption of a stock brokerage firm. Commitment to prosecuting the appropriate individuals led to the conviction of all 17 in question and the supervision of several hundred subsequent prosecutions that arose out of the initial fraud case.
- Led the investigation and conducted the prosecution of individuals involved in bank fraud in Caracas, Venezuela. Used bank documents and knowledge of fraud and money laundering to demonstrate that the individuals in question were guilty of fraud.

Arbitration

- Secured an arbitration award of more than $14 million for a New York stock exchange client, which was the third-largest award in stock exchange history. Understanding the situation – that the defense was planning to catch the complainant in a lie and use the lie to discredit the entirety of his story – allowed an analysis of the matter and its possible solutions, which in turn made it possible to obtain the unprecedented award.
- Won an $8.02 million claim for a client in an American Arbitration Association proceeding, which was the full amount of the claim.

Recognitions and Memberships

Recognitions

- Who's Who Legal: Asset Recovery (2012 to 2017)
- Institute of Jewish Humanities "Lawyer of the Year" (2008)
- New York County Lawyers Association Public Service Award (1992)
- New York "Super Lawyer" (2007, 2013 to 2017)
- Martindale-Hubbell: AV Preeminent
- Manhattan District Attorneys' Association Honors

Memberships

- FinCEN Bank Secrecy Act Advisory Group (2003 to 2004)
- New York State District Attorneys Association White Collar Crime Task Force (2012 to 2013)
- Institute of Advanced Legal Studies: Honorary Fellow
- New York State Defenders Association
- American Bar Association
- New York State Bar Association
- New York City Bar Association
  - Criminal Law Committee
  - Professional Responsibility Committee
  - Judicial Committee
  - Professional Ethics Committee

News

- 1/16/2018
  John Moscow to Speak about Anti-Money Laundering Compliance
- 5/9/2017
  John Moscow Comments on Prosecution's Strategy in Second Dewey Trial
- 1/30/2017
  John Moscow Talks to Law360 about Conviction of Programmer under 50-year-old Theft Law
- 12/28/2016
  150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 9/8/2016
  John Moscow Talks to New York Times about Growing Problem of White Collar Crime
- 7/28/2016
  Bloomberg Talks to John Moscow about Auction House Loan Process
- 1/7/2014
  BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013
  BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013
  Madoff Recovery Initiative surpasses $5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012
  Madoff Recovery Initiative Marks Fourth Anniversary … Moves into Fifth Year Still Building Recovery Momentum
- 9/21/2012
  BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012
  Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders

- 6/25/2012
  Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012
  The Wall Street Journal showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011
  Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders
- 12/17/2010
  The New York Times reports on BakerHostetler's negotiation and settlement with the Picower Estate for $5 billion in the SIPA liquidation of Bernard L. Madoff Investment Securities LLC

Alerts

- 4/20/2016
  Foreign Corrupt Practices Act 2015 Year-End Update
- 7/17/2013
  BakerHostetler's The Navigator

Articles

- 5/4/2017
  John Moscow, Sonny Carpenter Article Discusses Healthcare Fraud by MSOs

Community

- Isaac & Bertha Liberman Foundation
- Collegiate School: Alumni Executive Committee

Services

- Corporate Governance
- Foreign Corrupt Practices Act (FCPA)
- Securities and Governance Litigation
- International Asset Tracing and Recovery
- International Arbitration and Litigation
- White Collar, Investigations and Securities Enforcement and Litigation
- Compliance

Emerging Issues

- Emerging Technologies
- Blockchain Technologies and Digital Currencies

Prior Positions

- New York County District Attorney's Office
  - Deputy Chief, Investigations Division (1988 to 2004)
  - Chief, Frauds Bureau (1986 to 1988)

Admissions

- U.S. Court of Appeals, Second Circuit, 1975
- U.S. District Court, Eastern District of New York, 1975
- U.S. District Court, Southern District of New York, 1975
- New York, 1973

Education

- J.D., Harvard Law School, 1972
- B.A., University of Chicago, 1969

Paul J. Mahoney is an Assistant Deputy Attorney General in the Office of the New York State Attorney General Eric T. Schneiderman and supervises 55 attorneys and over 250 other staffers investigating and prosecuting criminal and civil fraud and abuse by healthcare providers in the $50 billion-per-year New York Medicaid program. Paul was previously Chief of the Civil Enforcement Division of the Medicaid Fraud Control Unit. He has been awarded the *Louis J. Lefkowitz Memorial Award* for outstanding performance by an assistant attorney general by Attorney General Eliot Spitzer and Attorney General Andrew M. Cuomo.

From 1997 to 2004, Paul served as an Assistant District Attorney, later Senior Investigative Counsel, in the Frauds Bureau of New York County District Attorney Robert M. Morgenthau. His major prosecutions included a seven-month trial of a securities firm and its principals, several other securities fraud operations, and numerous other banking, accounting, and financial frauds.

Before joining the District Attorney's Office, Paul Mahoney was a litigation associate for seven years at Paul, Weiss, Rifkind, Wharton & Garrison in New York City with extensive experience in securities litigation, advertising and unfair trade practices, and products liability, and was recognized for *pro bono* work by the Legal Aid Society.

Paul Mahoney is a graduate of Cornell Law School and Williams College.

Anderson Duff

Partner

Anderson specializes in trademark and copyright prosecution and litigation, including proceedings before the Trademark Trial and Appeal Board. He counsels clients on a wide range of intellectual property matters including trademark and copyright infringement, licensing issues, domain name disputes, and right of publicity matters. He also counsels clients as to defamation and libel, as well as advertising matters.

Prior to joining Revision Legal, Anderson worked in the Litigation Group at a firm in Times Square, the Trademark and Copyright group at a full-service intellectual property firm in Boston, and the Media Law Group at NBCUniversal, which advised local affiliates across the country and television shows such as Dateline, The TODAY Show, and the Nightly News on issues related to IP, access to public records, right of publicity, privacy, libel, and promotions. He also served as a Research & Conference Fellow at the Fordham IP Institute and is still thrilled to participate in and help plan the annual Fordham IP Conference.

Prior to his admissions to the New York and Massachusetts Bars, he clerked for the Honorable David Jordon, interned in the Hong Kong Intellectual Property Office, and volunteered at Michigan Prison Legal Services. During that time, he founded a Books to Prisoners Chapter in Lansing, Michigan.

While earning his J.D., Anderson was elected team captain of two of his three moot court teams and led one team to the Quarter-finals at Nationals in the American Bar Association's National Appellate Advocacy Competition. Anderson received the Emily C. and John E. Hansen Award for graduating first in his class in the Intellectual Property and Information Technology LL.M. program at Fordham University School of Law.

Anderson spends his free time mucking stalls for an aging horse named Huck, honing his Superman/IP presentation, serving as a board member for The Learning About Multimedia Project (LAMP), and ranting about comic book related IP cases to anyone who will listen.

Specialties: Trademark & Copyright filing/litigation/licensing; Contest/Sweepstakes/Promotions; Defamation/Libel; Right of Publicity/Privacy/Advertising

Admissions: New York, Massachusetts, ND of Illinois, SDNY, and EDNY

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Joshua Lipsman, MD, JD, MPH, is the principal of JBL Health Systems, LLC, based in New York. Dr. Lipsman is a board certified medical doctor in public health and general preventive medicine and is an attorney. In 2009, Dr. Lipsman completed nearly 10 years as Commissioner of Health for Westchester County, New York. He was the Director of the Alexandria (Virginia) Health Department for many years and held a physician executive position with the City of Houston. He served as Executive Director of GMHC, a leading non-profit AIDS service organization and as chief operating officer for MEA, an international education company. From 2010 to 2015, he was Of Counsel at the law firm of Abrams, Fensterman.

In his 23 year career as a physician executive, Dr. Lipsman successfully managed large and complex agencies, programs, budgets, and personnel, in sophisticated regulatory and political healthcare environments. He worked at all levels of American government and in the non-profit and for profit sectors. He has held academic appointments at a number of prominent universities, served on a variety of boards, and held leadership positions in professional organizations. Dr. Lipsman has through much of his career maintained a medical practice and more recently also has engaged in the practice of law.

Education
MD, Albert Einstein College of Medicine
JD Magna Cum Laude, Pace Law School
MPH in Health Policy and Administration, University of North Carolina at Chapel Hill
MS in Biochemistry, University of Chicago
BA with General Honors in Biology, University of Chicago

read more

Michael D. Patrick

Michael.Donald.Patrick@gmail.com

917-539-0535

Michael D. Patrick is a former partner in the New York office of the business immigration law firm, Fragomen Worldwide, which he joined as a senior equity partner in 1990 and retired from in 2016. In addition to his acting career at the Inn of Court, Michael has performed on Fragomen's Executive, Finance, Global Compliance (Co-chair), Investor (Co-Chair), and Legal Affairs and Risk Management (Co-chair) committees, and currently plays a role on the Second Circuit's Committee on Admissions and Grievances.

When he was in high school at LREI in Greenwich Village, Michael was an active member of the drama department. He did television commercials through college and law school, which supplemented his waitering activities.

Since retiring, Michael has been active in the American Immigrant Representation project with fellow Inn of Court member Judge Shira Scheindlin, and in helping two Brooklyn teachers start their own private Middle School, ***Brooklyn Independent***.