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### **New York Trial Attorney**

LITIGATOR with a 20-year impressive record of achievement. A high impact advocate, persuasive negotiator, and strategic thinker with significant success in securing outstanding results in complex cases. Exceptional communication, legal research, writing, and relationship management skills; proven ability to align diverse stakeholders towards a common goal; and the use of social network websites for marketing and business development. A reputation defined by high professional standards and the ability to take decisive action to protect my clients' interests.

- ◆ Able to meet time-sensitive and volatile deadlines, with ownership of task
  - ◆ Confident public speaker
  - ◆ Able to deftly answer unexpected questions in the trial arena and on live television
  - ◆ Proficient and comfortable with cloud computing and related professional software programs
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### **Bar Admissions**

- ◆ State of New York
  - ◆ United States District Court for the Western District of New York
  - ◆ United States Bankruptcy Court for the Western District of New York
  - ◆ District of Columbia
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### **Professional Experience**

**KRIEGER LAW, Rochester, New York**

**Trial Attorney [1991 – Present]**

Employed in the general practice of law as an independent attorney with an emphasis on Civil and Commercial Litigation, Matrimonial, Wills & Estates, Real Estate Closings, Small Business, Bankruptcy, and Asset Protection. Manage a large variety of complex legal matters.

- ◆ A seasoned advocate, able to readily advise personal and corporate clients in all aspects of litigation, commercial and matrimonial cases, and related proceedings
- ◆ Often act as "Local Counsel" in commercial or collection litigation and "Of Counsel" to advise non-matrimonial attorneys on specialized aspects of divorce, child custody, spousal support, and equitable distribution, which also builds reciprocal referral networks
- ◆ Draft and review sophisticated separation and property settlement agreements
- ◆ Conducted hundreds of house closings for either buyers or sellers
- ◆ Drafted, executed, and maintain on file hundreds of Last Wills & Testaments for clients of average means to very large estates that required sophisticated planning

### Professional Experience (Continued)

- ◆ Conducted a great number of depositions in commercial disputes, matrimonial cases, and valuation of assets hearings
- ◆ Frequently contacted by parties represented by other counsel after settlement or court decisions in a variety of commercial and matrimonial cases seeking a second opinion as to possible post-trial proceedings and appeal, and the likelihood of success
- ◆ Have been court-appointed attorney for children
- ◆ Regularly appear in NYS Supreme Court for conferences, motions, and trials
- ◆ Work closely with other professionals, such as accountants, physicians, and expert witnesses to provide comprehensive services to clients
- ◆ Research legal and related issues; conduct depositions and prepare witnesses for testimony in court
- ◆ Coordinate investigations, pleadings, discovery, pre-trial, trial, settlement, and appeal phases
- ◆ Persuasively marshal facts for legal argument
- ◆ Negotiate and draft contracts for small to medium corporate clients

### Recent Case of Note:

Plaintiff in first constitutional legal challenge to Rochester NY red light camera law: **Krieger v. City of Rochester**, 2013 NY Slip Op 23437. Decided on November 1, 2013, Supreme Court, Monroe County, Odorisi, J. Frequently called upon by local television and news media for legal commentary on this case and related legal subjects. Have established my own brand and professional reputation as an attorney who is "not afraid to fight City Hall".

### Additional Highlights Of 20+ Years in Practice:

(1) Represented the owner of a professional services corporation with a large workforce of all independent contractors around the country in a very specialized area of expertise; the corporation filed for a liquidation under Chapter 7 and received a full discharge of indebtedness, wiping out the claims for finished work by the independent contractors, who were all home based professionals with Masters degrees. The independent contractors became outraged, organized and sought to drum my client personally out of the industry by seeking his expulsion from a national trade group in which membership is essential for success in this niche. After this major trade association unilaterally expelled my client based only on association politics, I was able to build a case that the association did not comply with its own bylaws, did not have a quorum or call a proper meeting before it took action and failed to give my client the notice he was entitled to as a member. Through extensive trade research, negotiations with the association's counsel in Washington, D.C. and the drafting of a Summons and Complaint brought to opposing counsel's attention prior to actual filing in NYS Supreme Court, I was successful in having my client reinstated as an association member in good standing, and he continues to earn a living in this industry many years later. I have been his family's attorney ever since and receive substantial referrals from this long standing relationship.

(2) Defended a client in a civil lawsuit filed in NYS Supreme Court - Commercial Division, for accessing the website of a business competitor, with log in information obtained from a former employee and now co-worker, and allegedly stealing proprietary information. The client was also investigated by the NYS Police for related criminal charges. The client was fired by his own employer and astronomical damages were being claimed by the complainant/plaintiff in a very

### Professional Experience (Continued)

specialized technical business. I represented the client during investigation by the State Police and no evidence was ever established sufficient to bring trespass to a computer system charges. The plaintiff was represented by a major statewide law firm, which conducted extensive discovery, depositions and pretrial motions that heavily strained my client's legal budget. I was ultimately successful in negotiating a settlement for payment of a modest dollar amount in damages, a release and confidentiality agreement and the Plaintiff then turned their attention to the larger corporate co-defendant. I later represented this client in the divorce and house closing that followed. The client has since relocated out of state but realizes the gravity of the legal exposure he was shielded from and keeps in touch with my office through LinkedIn and Facebook, often referring friends in NYS.

(3) Successfully defended a SUNY associate professor with a Ph.D. charged with violating NYS Public Officers Law, Section 73, for allegedly having a prohibited financial interest in a textbook business owned by his wife that had substantial sales to the college bookstore where the professor was employed and another college library at which the professor served on the Board. During hotly contested proceedings I was able to have two key witnesses recant their previous incriminating testimony under oath and filed opposition papers that refuted elements of the charges. The NYS Ethics Commission subsequently withdrew the charges and my client was spared a \$10,000 fine, other substantial legal exposure, and the loss of continued employment and benefits with SUNY. I have remained that client's family attorney ever since.

(4) Preserved joint legal custody for an out-of-state father in a local Family Court proceeding that had an exceptionally high conflict history and that the Referee indicated to counsel that she was inclined to modify in favor of the mother. Conducted approximately one year of pre-trial proceedings, extensively prepared client to testify, submitted motions and memoranda of law, prevailed upon the client to relocate to Rochester, and after several days of hearing, obtained a favorable Decision and Order that maintained Joint Legal Custody - as the exception to the rule that the court may not order joint custody to parties who are unable to minimally cooperate but may do so in its sound discretion if the child is thriving nonetheless. My client's parental role was almost certain to be diminished prior to his obtaining myself as counsel and my arguing to the court that the exception to the rule applied in this case.

(5) Represented high net worth clients who owned a luxury condominium unit, which was subsequently discovered to have latent structural defects, resulting in the building sinking into the adjacent waterfront. Prosecuted lawsuit against condominium board for breach of contract and warranty claims regarding defective common elements against opposing counsel, a very prominent large firm that insisted on litigating every possible issue. After almost three years of protracted litigation and successfully defending against motions to dismiss and limit plaintiffs' claims, obtained a very favorable settlement for clients to be bought out for approximately full market value by a third party sought out by defendant board. My clients received more than they expected and the litigation paid for itself. Clients continue to be represented by my office on personal/corporate matters.

### **Professional Experience (Continued)**

(6) Have represented dozens of business owners in separation and divorce cases that required valuation of small businesses to large privately held corporations, issues of post-divorce support in high net worth cases and equitable distribution of increased earnings related to professional licenses or degrees obtained during the marriage. Of particular note: Represented a very successful self-employed interior designer with a growing business in a dissolution of a long term marriage from a spouse with a permanent major disability seeking life-time support, although the spouse was presently employed full time and in little or no danger of becoming a public charge. On eve of trial, with extraordinary preparation, obtained a favorable settlement that upon conclusion of client's child support obligation for college age children, client would then pay same amount of support to former spouse on a diminishing graduated basis until age 62, to bridge former spouse to Social Security eligibility age. All parties considered this proposal a win-win and the trial Judge applauded the creative proposal, where previously the disabled spouse was demanding high lifetime support and the payor spouse refused to provide post-divorce support at all based on the disabled spouse having very good employment earnings and work history versus his self-employment being unpredictable.

**Rochester Institute of technology, Rochester, New York**  
**Adjunct Business Law Professor [1991 – 2005]**

Taught business law courses, Legal Environment of Business

### **Education**

**Boston University School of Law, Juris Doctor, 1987, Boston, Massachusetts**  
*(consistently ranked as one of the top law schools in the nation according to U.S. News & World Report)*

**SUNY – Empire State College, Bachelor of Arts in Liberal Arts, 1984, Rochester, New York**

### **Honors and Recognition:**

- Jessup International Law Moot Court Competition, 1987
- Selected to represent Boston University School of Law at national competition
- Stone Moot Court Competition, 1986 / Winner, Best Brief Award, International Law Case

**Personal references available upon request.**