

SPEAKERS BIOGRAPHIES

P. KEVIN CASTEL entered service as a United States District Judge for the Southern District of New York on November 4, 2003.

He received his B.S. and J.D. degrees from St. John's University. In law school, he was a St. Thomas More Scholar and Articles Editor of the Law Review. Judge Castel served as law clerk to Judge Kevin T. Duffy of this District. Following the clerkship, he became associated with the firm of Cahill Gordon & Reindel and was a partner of that firm for twenty years, practicing in the field of commercial litigation.

Judge Castel served as Chair of the New York State-Federal Judicial Council. He also has served as President of the Federal Bar Council and Chair of the Commercial and Federal Litigation Section of the New York State Bar Association.

Judge Castel has taught as an adjunct professor in the field of Professional Responsibility at NYU School of Law and is a member of the American Law Institute. He is the recipient of the Stanley J. Fuld Award of the New York State Bar Association (2023), the Edward Weinfeld Award of New York County Lawyers Association (2017), the William C. Conner Inn of Court Excellence Award (2017) and the John E. Sprizzo Award of St. John's Law Alumni Association (2013). He is a member of the board of the Havens Relief Fund Society and previously served on the board of the Legal Aid Society of New York.

CARRIE H. COHEN is global co-chair of the Morrison & Foerster Investigations + White Collar Defense practice group as well as co-chair of the firm's State + Local Government Enforcement team and Workplace Misconduct Investigations Task Force. As a former federal and state prosecutor, Ms. Cohen routinely advises and represents corporations, boards, and c-suite executives in sensitive government-facing investigative and regulatory matters. Her extensive trial experience and distinguished record of success in high-stakes, white collar defense and securities matters cement her position as a leading lawyer in these practice areas and she is often called upon as trial counsel for particularly sensitive matters.

While serving as an Assistant United States Attorney for the Southern District of New York, she investigated and tried public corruption, investment fraud, and securities cases, including obtaining the first convictions of former New York State Assembly Speaker Sheldon Silver. She also served as Chief of the Public Integrity Unit in the Criminal Division in the New York State Attorney General's Office and as an Assistant Attorney General in the Civil Rights Bureau, where she received the Louis J. Lefkowitz Memorial Award for outstanding service.

Ms. Cohen serves on multiple bar committees and task forces as part of her effort to promote public interest through criminal justice reform. She was appointed Chair of the New York State Bar Association's Task Force on Domestic Terrorism and Hate Crimes, whose report was adopted by the House of Delegates in June 2020 and as a member of the New York State Bar Association's Task Force on Racial Injustice and Police Reform, and Task Force on Wrongful Convictions. As a leader of the bar, Carrie serves as a Vice President and Trustee of the Federal

Bar Council and Treasurer of its Inn of Court and was appointed to the Federal-State Judicial Advisory Council as well as prior service as a Vice President of the New York City Bar, Chair of its Executive Committee, and member of its Nominating Committee. She also is a member of the board of directors of Volunteers of Legal Service, an organization that provides pro bono legal services to the New York Community.

Ms. Cohen has long been dedicated to advancing women in the legal profession, both in the United States and globally. She co-chairs Morrison & Foerster's Women's Strategy Committee, a group that works with firm leaders to ensure the advancement of women remains a strategic priority and serves as a member of the New York City Bar's Cyrus R. Vance Center for International Justice, where she spearheads a professional development program for women attorneys in Latin America and South Africa.

She co-authored the acclaimed New York State Bar Association report adopted by the American Bar Association "If Not Now, When? Achieving Equality for Women Attorneys in the Courtroom and in ADR" and the recent follow-up report adopted by the House of Delegates "The Time is Now: Achieving Equality for Women Attorneys in the Courtroom and in ADR." She serves on the Steering Committee of the When There Are Nine Scholarship Project, which she founded with other alumnae from the United States Attorney's Office for the Southern District of New York to honor the late Justice Ruth Bader Ginsburg by providing law school scholarships and mentorship to the next generation of women leaders.

JOEL M. COHEN was appointed to the Court of Claims by Governor Andrew Cuomo in June 2018 and was designated an Acting Supreme Court Justice in New York County by Chief Administrative Judge Lawrence K. Marks. He was assigned to the Commercial Division, New York County, as of January 1, 2019.

He received his B.A. in Economics from Binghamton University in 1983 and his J.D. *summa cum laude* from Georgetown University Law Center in 1986. He is a member of the Harpur Law Alumni Council and a past member of the Georgetown Law Alumni Board.

Judge Cohen was a litigation partner at Davis Polk & Wardwell LLP from 1996 until June 2018, prior to which he was an associate at the firm and, earlier, a law clerk for Judge Thomas A. Clark of the United States Court of Appeals for the Eleventh Circuit. In connection with pro bono representations in private practice, he was a recipient of the Thurgood Marshall Award from the Association of the Bar of the City of New York for the successful representation of a death row inmate and a Pro Bono Achievement Award from Sanctuary for Families for the successful representation of a domestic abuse survivor seeking alimony and child support benefits.

TRACEE E. DAVIS serves as lead trial and class action defense counsel in litigating and arbitrating commercial and business disputes at Seyfarth Shaw LLP. Ms. Davis represents and advises clients across all industries on a range of complex matters, including ESG, data security, and risk and litigation avoidance. She defends businesses against regulatory and statutory claims,

with an emphasis on banking and financial services regulations, breach of fiduciary duty, breach of contract, business tort, and fraud and misrepresentation claims. She has litigated real estate, business dissolutions, and civil rights discrimination lawsuits.

She counsels C-suites and board directors on corporate governance matters, including strategic development, alignment, and design and implementation of ESG policies and practices. In addition, Ms. Davis serves as a private commercial arbitrator/mediator, through SSAM Alternative Dispute Resolution LLC, combining her extensive legal knowledge with her goal of providing business clients with practical, cost-efficient legal solutions. Courts routinely appoint Tracee to serve as a Court-Appointed Receiver, Referee, and Special Master to facilitate enforcement of court orders in the disposition of complex business disputes.

She has built a reputation for delivering results both in and out of court using precise business-oriented legal analysis and in finding creative and practical solutions swiftly, efficiently, and always with a mindful eye on costs. Her ability to provide clients with consistent results stems from two unique experiences: first, she spent many years as an attorney in one of the busiest complex commercial courts in the country, Manhattan's Commercial Division, handling as almost a special master or the equivalent of a magistrate judge, the most challenging, complex, and oftentimes cyclical disputes financial and other markets regularly face. Second, she stays engaged in the development of commercial law and courtroom procedures through her leadership roles in the bar association.

She served as the chair of the 2,000-member Commercial and Federal Litigation Section of the New York State Bar Association, a group which laid much of the ground work in establishing New York's Commercial Division, one of the first commercial courts in the country, and she currently serves as chair the Judiciary Committee of the New York City Bar Association, which reviews the qualifications of all elected or appointed federal, state, and local judges sitting in the City of New York. She is also a member of the Association of Defense Trial Attorneys (ADTA).

JONATHAN D. LUPKIN is a litigator and trial lawyer with over 30 years of experience. He has tried complex jury and non-jury cases in state and federal court and is an experienced and savvy advocate in the alternate dispute resolution arena. Mr. Lupkin's reputation for skill and integrity is unmatched, as reflected in his appointment to an extraordinary range of important leadership positions by his peers and the judiciary. As a leader of the organized bar in New York, he has served as Chair of the Commercial and Federal Litigation Section of the New York State Bar Association, a position previously held by four federal judges (three current and one former), the former general counsel of a major New York City performing arts institution, and senior partners at some of the nation's largest law firms. In addition, New York's former Chief Judge Jonathan Lippman appointed him to the Commercial Division Advisory Council, a permanent body created by the Chief Judge to advise on all matters, statewide, involving and surrounding the Commercial Division. Since his appointment, he has been named co-chair of the Subcommittee on Procedural Rules to Promote Efficient Case Resolution and has taken on the

role of principal drafter for several of the amendments to the Statewide Rules of the Commercial Division.

Mr. Lupkin's practice is extraordinarily diverse. Serving a broad array of clients in New York, throughout the United States and overseas, he has a decades-long track record of resolving the thorniest and most complex disputes in commercial banking, real estate, partnership disputes and dissolution, securities, derivatives, and attorney malpractice and other professional liability. He also handles the defense of white-collar professionals, corporate executives, and others in criminal and quasi-criminal investigations and prosecutions and has conducted internal investigations. He has been named by SuperLawyers® as one of the "Top 100" attorneys in the New York Metropolitan area for eleven years in a row, across all practice areas.

He has lectured extensively on trial and appellate practice and serves as the moderator of a yearly panel discussion with the Commercial Division Justices of New York County. He has served as an instructor for the National Institute for Trial Advocacy and the New York State Bar Association's Commercial Litigation Academy. He has also served on numerous other CLE panels, including: "The Trial of a Commercial Case: Successful Techniques and Tactics," "Trying Your First Non-Jury Case and Preserving Issues for Appeal: The Mechanics for Success," "CIVIL RICO: Legal Overview & Tactical Considerations," "Civil Appeals: Strategies and Process in the New York Court," "Recent Developments in Civil Practice: CPLR and Evidence," and "Trial of a Civil Case in Federal Court." In 2003 and again in 2008, Mr. Lupkin participated in presentations given to the Justices of the Commercial Division at the New York State Judicial Institute at Pace University. In 2016, at the request of the New York State Office of Court Administration, he served on a CLE panel regarding the recent amendments to the Statewide Rules of the Commercial Division; the 2-part program is available on OCA's intranet system.

Mr. Lupkin graduated from Columbia College in 1989 with a B.A. in comparative religion and from the Columbia University School of Law with his J.D. in 1992. He served as Notes and Comments Editor and a member of the Administrative Board for the Columbia *Law Review* and was named by the law school as a Harlan Fiske Stone Scholar.

Immediately after graduating from law school, he served as Law Clerk to the Honorable Edward R. Korman, United States District Judge for the Eastern District of New York.

ORELIA E. MERCHANT was appointed as a United States District Court Judge for the Eastern District of New York on May 12, 2023, and entered on duty on May 16, 2023. Immediately prior to her appointment, Judge Merchant served as New York's Chief Deputy Attorney General for State Counsel (2019-2023), a member of the New York State Attorney General's executive leadership team. In that role, Judge Merchant headed the Division of State Counsel, which consists of seven bureaus statewide that handle litigation involving the state, including its agencies and officials. Judge Merchant oversaw over 8,000 active cases statewide, and managed 450 employees, including 250 attorneys, in prosecution and defense of actions and complex cases in state and federal court on behalf of executive branch officials, the legislature,

and state agencies, officials and employees; defense of the state against actions in the Court of Claims involving malpractice, contract disputes and property condemnation; recovery of money owed to the state through affirmative litigation; and legal assistance provided to state agencies in connection with the acquisition and disposition of public land.

From 2002 to 2019, Judge Merchant served in the U.S. Attorney's Office for the Eastern District of New York, as an Executive Assistant United States (2016-2019) and an AUSA in the Civil Division (2002-2016). She received a Director's Award for Superior Performance as an AUSA – Civil from the Executive Office for United States Attorneys. Prior to joining the U.S. Attorney's Office, Judge Merchant served as an Assistant Regional Counsel for the United States Environmental Protection Agency, Region 5, in Chicago, Illinois, and as a Special Assistant United States Attorney in the Eastern District of Louisiana in both the Civil and Criminal Divisions.

She earned a Bachelor of Science degree in physics and mathematics from Dillard University, a Master of Arts degree in marine science from the College of William & Mary, and a Juris Doctor degree from Tulane University Law School.

NICOLE MCGREGOR MUNDY received her Bachelor of Arts degree from Howard University, and her Juris Doctorate from St. John's University School of Law. Judge McGregor Mundy began her legal career as a Staff Attorney for Rodman and Campbell, P.C., where she handled personal injury actions and adoption petitions. She thereafter worked as a Staff Attorney for the Administration for Children's Services, Child Support Unit, handling cases primarily in New York County Family Court. Judge McGregor Mundy began her career in the Unified Court System as a Court Attorney in the Civil Court of Queens County, and thereafter served as the Principal Law Clerk to the Hon. Marguerite A. Grays, Administrative Judge for Queens County Supreme Court - Civil Term, where her primary areas of practice were court administration, Commercial Division, since its inception in 2005, and civil litigation including personal injury, real property, foreclosure, labor law, and medical malpractice.

On June 9, 2023, she was sworn in as a Judge of the NYS Court of Claims, having been nominated by Governor Kathy Hochul and confirmed by the New York State Senate. She presently sits as an Acting Supreme Court Justice in Queens County Supreme Court-Civil Term, presiding over a Commercial Division part and an Individually Assigned Civil matters part.

Judge McGregor Mundy's past and present affiliations and accomplishments include: New York State Bar Association, Commercial and Federal Litigation Section, 11th Judicial District Representative; Queens Supreme Court Equal Justice In the Courts (EJIC) Committee Co-Chair; former Franklin H. Williams Judicial Commission Advisory Group 11th Judicial District Member; Queens County Women's Bar Association Nominations Committee Chair; past President of the Association of Black Women Attorneys; and past President of the Queens County Women's Bar Association. Judge McGregor Mundy served as a presenter on the "*Lawyers in Need of Supervision*" panel at the 2023 Eileen Bransten Institute on Complex Commercial Litigation at Fordham University School of Law, and as a panel presenter at the

Unified Court System of the State of New York, Office of Policy and Planning 2016 Foreclosure Seminar at CUNY Law School.

Judge McGregor Mundy authored the following published articles: “*Technical and Complex Evidence Poses Difficulties*” (New York Law Journal, May 2, 2005); “*Shaping Careers in Law*” (New York Law Journal, May 1, 2006); and “*Let Justice Be Done Though Heaven May Fall*” (New York Law Journal, May 2, 2011).

MICHAEL RAKOWER is a founding member of Rakower Law. His practice focuses on commercial disputes in federal and state courts and arbitral forums. In 2021, Michael was recognized by *Chambers and Partners* in the *Chambers USA* guide of the top commercial litigators in New York. Michael has been selected for inclusion in the New York Metro Edition of *Super Lawyers* every year since 2013 and has been named a “Top 100” attorney in the region since 2015.

Since 2011, he has held a “Preeminent” AV rating from *Martindale-Hubbell* and has been designated as a Platinum Client Champion, indicating the highest level of client satisfaction, every year since the ranking service began awarding the designation in 2017. *Lawdragon* has twice interviewed Michael (2014, 2019) to report on his achievements in the law. In 2007, *Lawyers USA* profiled him as being among the “top eight” lawyers in the nation on a “fast track to making a significant impact” on the legal profession. The New York State Bar Association honored him as the Outstanding Young Lawyer of the Year in 2006, recognizing his “commitment to the finest traditions of the Bar.”

He previously worked in the New York office of Latham & Watkins, the United Nations Criminal Tribunal for Rwanda (ICTR) and the chambers of the Honorable Richard C. Wesley of the United States Court of Appeals for the Second Circuit.

At Latham & Watkins, Mr. Rakower led securities offerings valued in the hundreds of millions of dollars for issuers and underwriters and provided M&A counseling to investment banks. At the same time, he counseled businesses devastated by the attack on the World Trade Center and obtained political asylum for refugees.

In 2003, following his tenure at Latham & Watkins, he served in the Prosecutor’s Office of the United Nations International Criminal Tribunal for Rwanda (ICTR), assisting in the prosecution of Rwandan military leaders for their role in the 1994 genocide. Upon his return, Mr. Rakower became Vice President of American Friends of the Kigali Public Library (AFKPL), a charitable organization instrumental in building Rwanda’s first public library.

In 2004, as senior law clerk to Judge Richard Wesley, he worked on a variety of federal appeals, including cases involving antitrust, securities, constitutional, immigration, civil rights, tax, tort, national security, and criminal law.

He obtained his B.A., *cum laude*, from the University of Pennsylvania in 1993. He received his J.D. in 1999 from the University of Virginia School of Law, where he served on the Managing Board of the Virginia Journal of International Law.

JAY SAFER is a litigation, arbitration, mediation, international, and corporate group partner with the New York City law firm Dunnington Bartholow & Miller LLP.

Mr. Safer has extensive experience as a litigator, single and panel arbitrator including as Chair, and representing clients. He has managed and handled complex U.S. and International litigation, arbitration, and mediation on a wide range of disputes, cases, and consultation. including: complex commercial and business matters, court hearings on jurisdiction and compelling and opposing arbitration, application of the New York Convention and Federal Arbitration Act to enforce and confirm international arbitration awards, enforcement of U.S. arbitration awards, enforcement of foreign judgments, contract claims and breach of contract, mergers and acquisitions, sale and purchase claims, supplier purchaser disputes, franchise disagreements, antitrust, securities, broker dealer relationships, corporate investigations, forgery, fraud, RICO, qui tam, FCPA, labor and employment including termination, banking and financial transactions, lender and borrower defaults and liability, corporate governance, technology, privacy, insurance, construction, real estate, media, defamation, product liability, health care, professional malpractice, ethics, telecommunications, energy, environment, breach of fiduciary duty, partnership, shareholders, entertainment, privacy, trade secrets litigation and protection, trusts and estates, corporate governance, constitutional and regulatory issues, and class actions. As an arbitrator, he is on the Roster of Neutrals for the AAA and ICDR.

He has represented United States and foreign clients in litigation and arbitration in the U.S. and abroad, including a foreign government and involving application of U.S. and foreign law.

He has served as a Lecturer at Law and Adjunct Professor at Columbia University Law School and Fordham Law School teaching American Litigation Practice and Management of Litigation for the International Lawyer, including arbitration and mediation to foreign lawyers seeking their LLM.

Mr. Safer has many years of speaking engagements on many subjects related to litigation, arbitration, and mediation. He has presented programs with judges, arbitrators, and attorneys on international and U.S. litigation, arbitration, ADR and trial and evidentiary issues at worldwide conferences, webinars, and court and bar association programs. He has taught international arbitration to CIArb Fellow applicants. He has authored and contributed to articles and publications on litigation and arbitration.

JAMES M. WICKS was appointed as a United States Magistrate Judge for the Eastern District of New York on April 26, 2021. Prior to his appointment, Judge Wicks spent over 25 years at Farrell Fritz, P.C. in New York, where he was a Partner, served on the Management Committee and later as the firm's first General Counsel. Judge Wicks' practice concentrated in business and

commercial litigation, as well as attorney ethics and professionalism issues. Prior to Farrell Fritz, he was an associate with White & Case. While in private practice, Judge Wicks also served as a Receiver and Special Master in various matters, as well as a court-appointed mediator in appellate matters. Judge Wicks is an Adjunct Professor at St. John's University School of Law since 2005, teaching pretrial advocacy and deposition classes.