



Cornelius P. McCarthy

Partner

Neil McCarthy, a senior partner of the firm since January 1, 1999, has successfully tried cases in state and federal courts throughout the country. He has litigated cases in a broad range of substantive areas, including contract, securities, partnership, commercial, entertainment, telecommunications and constitutional law. As a former Assistant United States Attorney, he also counsels criminal defense clients. In an age in which litigation has become the domain of paper-intensive pre-trial discovery, Mr. McCarthy is a trial lawyer who prides himself on his ability to advocate and win for his clients.

cmccarthy@abv.com

• Academic Background

A.B., Dartmouth College, 1978
summa cum laude
 Phi Beta Kappa
 J.D., Yale Law School, 1982
 Thurman Arnold Prize
 Trial Finalist

Law Clerk, Honorable Ralph K. Winter, United States Court of Appeals for the Second Circuit

• Bar and Court

Admissions

New York
 Second Circuit
 Third Circuit
 Southern District of New York
 Eastern District of New York
 Central District of California
 California

• Professional /Community

Mr. McCarthy is a member of the Association of the Bar of the City of New York and the International Bar Association.

Mr. McCarthy has been a frequent commentator on public policy issues, including campaign finance reform, health care reform, and fiscal policy, and for six years served as a member and then as one of the vice-chairs of the New York State Democratic Committee. A former Democratic nominee for Congress, he has also over the last 30 years counseled candidates for President, the House and Senate, the state legislature, the office of Mayor of the City of New York, and other local offices in the greater metropolitan area.

Representative Matters

Constitutional

- Represented New York City public authority in wrongful death case alleging violations of 42 U.S.C. § 1983 brought by estate of Michael Stewart. Represented public library district in connection with claimed violation of fundamental rights established under California's state constitution.
- Represents arrestee on claims against New York City officials arising out of constitutional violations incident to mass arrests at 2004 Republican Party convention.

Contract

- Won federal jury verdict on behalf of major European bank on claims of breach of contract and tortious interference with prospective economic advantage.
- Represented California event creator and producer in suit against Avon Products Foundation for breach of contract; obtained multi-

million dollar arbitral award after sixty-seven day hearing.

- Represented Virginia based defense contractor in obtaining substantial settlement from major computer products services firm.

Criminal

- Represents pharmacies and licensed pharmacists in connection with Medicaid fraud claims and other state and federal administrative and criminal investigations and proceedings.

- Successfully defended Medicaid health care provider and obtained dismissal of criminal charges of Medicaid fraud brought by Attorney General of the State of New York.

- Represented senior public official in connection with U.S. Government's criminal prosecution of ferry captain for criminal negligence arising out of crash of Staten Island ferry.

- Represented former telecommunications executive in connection with successfully negotiated plea to charges brought by U.S. Attorney for Central District of California.

- Represented Los Angeles based equipment retailer on forfeiture action brought against client for sale of grey-market goods.

- Represented owner of New York farm in obtaining complete dismissal of federal forfeiture proceedings brought in the Southern District of Indiana in the wake of former spouse's convictions there for wire fraud, money laundering, interstate transportation of stolen funds, and tax evasion, where Government sought forfeiture of the farm as former spouse's substitute property.

Entertainment

- Represented Hollywood creator and producer of multiple prime-time situation comedies in successful defense against contempt charges; obtained dismissal after trial of all claims that client was in contempt of prior judgment declaring him a joint venturer owing to client's refusal to share interest earned on television residuals.

Environmental

- Prosecution of claims arising out of large-scale oil spill.

Matrimonial

- Represented former CEO of employee search firm in connection with successful motions to modify support awards.

Professional Malpractice

- Represents former executive of leasing company in claims of malpractice against client's former attorneys.

- Obtained sizable settlement for medical malpractice victim after picking jury and delivering opening statement at trial.

Securities

- Successfully defended Texas-based big box chain store in class action filed in Delaware Court of Chancery; obtained summary judgment dismissing claims against company and six directors and then won trial dismissing claims against the remaining director.

- Represented Michigan firm in obtaining summary judgment dismissal of federal securities claims.
- Four months after filing complaint in federal court, obtained multi-million dollar judgment for compensatory and punitive damages for California widow in successful bench trial prosecuting claims of fraud against client's former investment adviser.
- Represented federal banking agency in claims against Drexel Burnham Lambert arising out of fraud in connection with sales of junk bonds to various savings and loan associations.

Telecommunications

- Successfully defended major telecommunications company and obtained dismissal of class action claims arising out of client's local exchange services in greater metropolitan New York area.
- Represented international telecommunications company in successful defense against and settlement of wrongful discharge claim, and in connection with alleged contract breaches arising out of ostensible joint venture with Israeli based carrier.

Wrongful Death

- Represents estate and family of murder victim in multi-million dollar claims against killer and killer's mental health provider for wrongful death, negligence and negligent and intentional infliction of emotional distress.
- Represented paranoid schizophrenic in successful settlement of wrongful death claims against client brought by estate of client's fiancée.

Publications

- “Campaign Finance: A Challenger's Perspective on Funding and Reform”, 6 Journal of Law and Policy 69 (1997)
- “The Watch We Keep: Prosecutorial Strategy for Groundwater Protection”, National Environmental Enforcement Journal (June 1987)

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