

Board member and Plaintiff Counsel Ethan Brecher (NYU 1991) opens own office

Q: Why you are starting your own firm?

After 21 years of practicing law at the same place where I got great experience, it was time to make a change in my life. I needed new challenges and focus, and I had been thinking about making a move for a long time. There was no better time than the present to do it, so I just decided to go for it and put up my own shingle.

Q: What areas will your practice focus on?

My practice will focus on plaintiffs's-side employment law, as well as commercial litigation. Primarily, I will focus on representing senior executives in connection with their claims for compensation, discrimination and remedies for various business torts, like defamation. I also handle issues involving non-competition and non-solicitation clauses, and negotiate employment and separation agreements. My business litigation practice will focus on representing hedge funds in claims involving investments. I will also represent individuals who have claims against their securities brokers for fraudulent or otherwise improper conduct. I find that helping people get fair and just results in difficult situations are very rewarding and motivational. There is nothing better than getting a good result for a client and having that client feel like his or her rights were vindicated. It is also important that clients know that I am in their corner and fighting for them. Many clients are happy just to know that they have someone on their side. I want my clients to feel that in me, they have no better friend, and their adversary no worse opponent.

Q: What led you to become a labor and employment lawyer?

I wanted to work at a small a litigation firm, where I could early on in my career get hands-on experience working with clients and going to court. As it happened the firm I joined focused on plaintiffs-side employment litigation. At that firm I got great experience trying cases (mostly in arbitration for senior executives in the financial services industry) and arguing appeals in federal and state courts. My career in



Ethan Brecher

employment law found its own way based on the firm's practice.

Q: Any particularly challenging or interesting issues on cases you have handled?

At my old firm I handed a case, *Raedle v. Credit Agricole Indosuez*, where my client sued his former employer for tortious interference. He had been terminated from his old job, and got a new job. The new employer called the old employer for a reference. His prior boss answered the call and told the new employer (falsely) that he had mental problems. The new employer then rescinded the job offer based on this statement. A jury trial was held in federal court in New York City. We lost the trial. US District Judge Thomas P. Griesa granted us a new trial on grounds that the verdict at the first trial was against the weight of the evidence. A second trial was held about year later, which we won (the jury awarded nearly \$3 million in damages). The US Court of Appeals reversed on appeal, holding that Judge Griesa had abused his discretion in granting a new trial. In fact, at least in my view, the Second Circuit conducted a *de novo* review of the first trial record, and substituted its view for that of Judge Griesa. That opinion is now being appealed to the US Supreme Court. There is a circuit split on the level of deference appellate courts owe trial courts on orders granting new trials where the ground for the new trial is that the verdict was against the weight of the evidence. The case has been a tug-of-war, and hopefully my client will prevail in the end of this long-running case, which was filed in 2004. ●