


Stephen Younger

SENIOR COUNSEL | NEW YORK

 STEPHEN.YOUNGER@WITHERSWORLDWIDE.COM

 +1 212 848 9804

SECRETARY LANA MOON

 LANA.MOON@WITHERSWORLDWIDE.COM

 +1 212 848-9821



Stephen is a senior counsel in the litigation and arbitration team.

Stephen, past president of the New York State Bar Association, is a seasoned litigator and trial lawyer focused on commercial, securities and real estate disputes.

Stephen has over 35 years of litigation experience and has tried numerous cases in federal and state court and before arbitration panels. His clients include financial institutions, mutual funds, hedge funds, private equity funds, venture capital firms, real estate developers and multinational companies.

He also frequently argues appeals, particularly in the appellate courts of New York and is well-known for his alternative dispute resolution (ADR) work. Due to his experience in the ADR field, he is often called on to serve as an arbitrator or mediator in high-stakes matters. In addition, he serves as editor of the New York Commercial Division Practice Guide, which is part of Bloomberg Law's Litigation Practice Portfolio Series, and teaches commercial litigation as an Adjunct Professor of Law at Fordham University.

Track record

Appeals

Obtained a reversal in a landmark Court of Appeals decision on attorney-client privilege in the context of mergers and acquisitions.

Appeals

Successfully appealed a groundbreaking fiduciary duty decision concerning the liability of financial advisers in New York.

Appeals

Won a case of first impression in New York's Appellate Division concerning the viability of a fraud claim for concealing evidence that was subpoenaed in a commercial arbitration.

Appeals

Obtained reversal of an attachment order over a Miami hotel under novel jurisdictional theories.

Appeals

Argued the appeal of collateral estoppel issues in a major commercial litigation before the New York Court of Appeals.

Appeals

Handled an appeal to the New York Court of Appeals in a case of first impression involving the enforceability of preliminary agreements under New York law.

Appeals

Handled a Second Circuit appeal regarding the scope of arbitration clauses as applied to a mutual fund adviser.

Appeals

Argued an appeal before the New York Court of Appeals in a dispute over the dissolution of a hedge fund.

Appeals

Won an appeal in the Second Circuit of a preliminary injunction against retaliation under the FLSA.

Attorney general representation

Advised a leading credit reporting company in connection with Attorney General and related investigations into a data breach.

Attorney general representation

Handled an appeal in the New York Court of Appeals addressing whether the New York Attorney General is bound by arbitration clauses signed by alleged victims and the standard for pleading fraud claims brought by the Attorney General.

Attorney general representation

Negotiated a multi-million-dollar tax settlement for high-net-worth individual.

Attorney general representation

Handled the reorganization of a nonprofit organization whose operations were regulated by the Attorney General's office.

Attorney general representation

Represented a key witness at trial of a suit by the Attorney General claiming mismanagement of a nonprofit.

Bankruptcy litigation

Pursued fraudulent transfer and equitable subordination claims over the break-up of a commercial office building partnership.

Bankruptcy litigation

Oversaw a Chapter 15 proceeding concerning the failure of a foreign bank.

Bankruptcy litigation

Handled U.S. bondholder litigation over rights to offshore condominium projects that were placed into a foreign bankruptcy.

Bankruptcy litigation

Involved in a cross-boarder dispute relating to the impact of a Mexican bankruptcy.

High-profile matter

Served as lead counsel in mediation of a dispute over a large bequest to a Presidential library.

High-profile matter

Served as Special Counsel to the Mayor to investigate the New York City Commissioner of Cultural Affairs.

High-profile matter

Represented well-known hip-hop producer in First Amendment challenge to New York's Lobbying Law.

High-profile matter

Successfully defended against a challenge to New York's clean energy laws.

High-profile matter

Quarterbacked a challenge to New York's redistricting of congressional and legislative offices.

High-profile matter

Advised New York's then Chief Judge on legal issues surrounding the prolonged failure to grant pay raises to members of the Judiciary.

Insurance coverage

Led a private equity firm's successful effort to convince its D&O carrier to cover a series of litigations that threatened the company.

Insurance coverage

Represented a mutual fund in a case that went up on appeal to the U.S. Court of Appeals for the Second Circuit on the issue of whether the client's insurer would have to cover a series of fraud suits brought by the client's customers.

Insurance coverage

Represented a major US pharmaceutical and health products company regarding business interruption coverage arising from a consumer product recall.

Insurance coverage

Represented an insurance brokerage charged by the New York Attorney General and various class action plaintiffs with receiving what are known as "contingent commissions".

Insurance coverage

Spearheaded a Constitutional challenge to New York's system for self-funding workers compensation coverage for workplace accidents.

Law firm defense

Defended securities fraud suit against major law firm concerning bond issue of a United States commonwealth.

Law firm defense

Defended disciplinary complaint brought against corporate attorney.

Law firm defense

Defended multiple disqualification motions in major commercial litigation.

Law firm defense

Advised law firm on compliance with ethics rules.

Law firm defense

Defended a law firm break-up.

Law firm defense

Service as expert witness in law firm-related issues.

Real estate litigation

Defended an accessibility dispute over access to a historic office building.

Real estate litigation

Defended widow of a highly successful real estate family in challenge to estate plan.

Real estate litigation

Represented a real estate developer in multi-day arbitration hearings in a complex construction dispute.

Real estate litigation

Defended land use challenges to a major multi-use project in Manhattan.

Real estate litigation

Defended multiple challenges to the manner in which a general partner distributed proceeds from a real estate transaction involving a hotel development project.

Complex commercial litigation

Won appeal of the dismissal of multi-billion dollar fiduciary duty claims arising out of a merger of sports betting companies.

Complex commercial litigation

Represented a manufacturing company in a shareholder class action concerning non-disclosure of the impact of business developments on its stock price.

Complex commercial litigation

Defended a brokerage firm in a RICO and securities fraud litigation concerning alleged non-disclosure of information and manipulation of market in a major Eurobond offering.

Complex commercial litigation

Obtained dismissal of a \$2 billion claim versus directors and officers of a foreign bank.

Complex commercial litigation

Defended a media company in a class action concerning the restructuring of a television station limited partnership.

Complex commercial litigation

Pursued a business break-up dispute over a family real estate company.

Complex commercial litigation

Obtained dismissal on summary judgement of a securities class action against directors of a consumer products company.

Complex commercial litigation

Prosecution for a brokerage firm of NASD arbitration involving complex securities market manipulation scheme.

Complex commercial litigation

Represented a foreign bank in complex litigation brought against the trustee that oversaw mortgage pools that were alleged to have been impacted by fraudulently induced condominium purchases.

Complex commercial litigation

Conducted investigations and prosecuted litigations of an unauthorized trade scheme for a state owned mining company, including allegations of kickback payments and market manipulation of commodities trading.

Complex commercial litigation

Advised the board of a tech company on takeover defense issues.

Complex commercial litigation

Investigated a complex fraud scheme involving the privatization of state-owned enterprises in Azerbaijan, and launched cases around the world to freeze \$80 million worth of assets and recover the funds for a major insurance company.

Arbitration and ADR

Chaired an arbitration panel in an international dispute over a merger and acquisition transaction.

Arbitration and ADR

Won a stock exchange arbitration involving failed securities trades on behalf of a brokerage firm.

Arbitration and ADR

Service as arbitrator in a dispute over the refurbishing of a private jet.

Arbitration and ADR

Mediated a dispute over liabilities assumed in a corporate takeover.

Arbitration and ADR

Successfully defended a publishing company in an arbitration seeking to enforce provisions of a shareholders agreement.

Arbitration and ADR

Served as the court-appointed mediator in a series of disputes over bond defaults by a Latin American country.

Arbitration and ADR

Served as chair of the arbitration panel in a multi-million-dollar dispute relating to an explosion at an oil refinery.

Arbitration and ADR

Represented a metals trading company in a multi-million-dollar commodities arbitration involving aluminum and bauxite trading contracts.

Trust and estates litigation

Represented a high-profile individual in connection with his role as Executor of his late wife's estate including his right to discovery into questionable transactions.

Trust and estates litigation

Negotiated the resolution of litigation for a high-net-worth individual regarding his elective share rights to his late wife's estate.

Trust and estates litigation

Successfully resolved on behalf of the estate of a prominent physician a potential will contest.

Trust and estates litigation

Won a major victory at trial before the U.S. Tax Court on behalf of several members of a family regarding whether sales of the stock among shareholders of a major closely-held corporation constituted arms-length transactions to establish the value of the shares.

Trust and estates litigation

Handling a complex sexual abuse case involving trusts and estates of a major philanthropist.

Trust and estates litigation

Service as special counsel to a husband in a divorce litigation and related appeals to address assets held in family trusts.

External Publications

- 'Class Notes,' Albany Law School - July 1, 2024, mentioned
- 'Full Disclosure,' Financial Times - June 27, 2024, mentioned
- 'Withers continues growth of US litigation team with senior hire,' eprivateclient - June 25, 2024, featured
- 'New York Playbook,' Politico - June 21, 2024, mentioned
- 'Big Law Partner Makes Third Firm Move in Three Years,' The American Lawyer - June 20, 2024, featured
- 'Withers Hires Veteran Commercial Litigator in New York,' Legal Mag - June 20, 2024, featured
- 'Talk of the Town,' Attorney At Law Magazine - June 20, 2024, featured
- 'Withers Hires Veteran Commercial Litigator in New York,' Law.com International - June 20, 2024, featured
- 'Former NY Bar President Joins Withers From Nixon Peabody,' Law360 - June 20, 2024, featured
- 'Stephen Younger Makes His Third Firm Move After Patterson Belknap Exit,' The New York Law Journal - June 20, 2024, featured
- 'More Reasons to Arbitrate in the Big Apple,' New York Law Journal - November 25, 2013
- 'Recent Developments in Securities Arbitration,' Securites Regulatory Update - November 16, 1998
- 'A Mediator Without Expertise May Yield Destructive Results,' National Law Journal - April 11, 1994
- 'Structuring ADR Proceedings,' New York Law Journal - September 20, 1993
- Note, "Judicial Review of Public Contract Awards in New York" 45 ALBANY LAW REVIEW 1177 - 1981
- 13 PUBLIC CONTRACT LAW JOURNAL 169 - 1982

Admissions

- New York, 1983
- US District Court: Southern District of New York, 1986
- US District Court: Eastern District of New York, 1986

US Court of Appeals, Second Circuit, 1986

US Tax Court, 1989

US Supreme Court, 2010

Education

Albany Law School, JD, honoris causa

Albany Law School, JD, magna cum laude, Editor-in-Chief Albany Law Review

Harvard University, BA, cum laude

Languages

English

Memberships

New York State Bar Association, Past President; Nominating Committee, Past Chair; Crypto Task Force, Senior Advisor; House of Delegates, Life member, Commercial and Federal Litigation Section, Past Chair, ADR Committee, Past Chair; Securities Litigation Committee, Past Chair

American Bar Association, Commercial and Federal Litigation Section, Past Chair; Committee on ADR, Past Chair; Securities Litigation Committee, Past Chair; House of Delegates; Past Chair, Executive Committee; Mid-Atlantic Bar Conference, Past Chair; House of Delegates; Past Chair, Executive Committee; Mid-Atlantic Bar Conference, Past Chair; Innovation Center; ABA International Trade in Legal Services Committee, Past Chair; ABA International Mediation Committee, Past Chair

Association of the Bar of the City of New York (Committee on Arbitration, Past Member; Task Force on Civil Courts, Past Secretary)

Historical Society of the New York State Courts, Past Chair and Trustee emeritus

Governor's Judicial Screening Committee, First Department, Past Member

Chief Judge's Commercial Division Advisory Council, Member

Task Force on Commercial Litigation in the 21st Century; Chief Judge's Advisory Committee on New York State Pro Bono Bar Admission Requirements

United States District Court, Southern District of New York

Eastern District of New York, Mediator; Advisory Board, Financial Markets Regulatory Institute

Board of Directors, CPR Institute for Dispute Resolution (Past Chair, Executive Advisory Committee)

Fund for Modern Courts, Executive Committee Member

New York International Arbitration Center, Founding Board Member

Advisory Council, Brooklyn Legal Services

Congress of Fellows, Center for International Legal Studies

New York Bar Foundation (Fellow)

The American Bar Foundation (Fellow)

Albany Law School, Trustee Emeritus

National Alumni Council, Albany

Founding Board Member, Latino Judges Association Foundation

Withers History

Joined 2024

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