



## Michael S. Devorkin Partner

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### Practice Areas

Complex Business Fraud Litigation | International Business Practice | Litigation/Alternative Dispute Resolution

Michael Devorkin specializes in complex business litigation and white-collar criminal defense. His three latest cases have resulted in recoveries of more than \$460 million to victims of a Ponzi scheme and of corporate mismanagement of funds. In the bankruptcy case of LandAmerica 1031 Exchange Services Company, the Judge praised Michael's work for:

- "having hit it out of the park" in securing \$317 million in recoveries to compensate customers of LandAmerica Exchange Services (LES), who lost money, in some cases their entire life savings, due to LES's bankruptcy
- being "extremely capable," employing strategies that were "masterful," and achieving results that were a "huge success" that was never anticipated
- achieving 100% recoveries of the victims' lost funds, plus 66% recoveries for their consequential damages

In a recent class-action case, the Court applauded the recovery by settlement as "exponentially more than the typical result."

Michael has extensive experience representing plaintiffs and defendants, individuals and businesses, foreign and domestic, in all phases of complex civil, criminal, and regulatory trials and arbitrations, from investigation through trial and appeal. He has tried to verdict numerous jury and non-jury trials in federal and state courts and arbitrations and argued numerous appeals before the state and federal courts, including two successful mandamus petitions in cases of first impression. *In re United States*, 608 F.2d 26 (2d Cir. 1979); *Richardson Greenshields*

*Securities, Inc. v. Lau*, 825 F.2d 647 (2d Cir. 1987) (halting trial and directing judges not to prevent parties from filing motions). Michael has also supervised internal corporate investigations.

## Representative Matters

- Numerous Trustees in litigation to recover funds, including:
- Recovery of more than \$120 million for Ponzi scheme victims in *In re 1031 Tax Group*
- Recovery and distribution of \$317 million for depositor victims in *In re LandAmerica*
- *Bankruptcy of Paolo Gucci*. *In re Gucci*, 309 B.R. 670 (S.D.N.Y. 2004), *on remand to*, 2005 WL 3150709 (S.D.N.Y. Nov. 28, 2005), *aff'd*, 197 Fed. Appx. 58 (2d Cir. 2006).
- Class action recovery for Ponzi Scheme victims of \$35 million.
- Family members in an intra-family partnership dispute involving real estate portfolio in excess of \$200 million.
- Foreign Liquidators for recognition under Chapter 15 of Bankruptcy Code, and enforcement of claims and discovery in United States
- Individuals and companies in S.E.C. and criminal investigations and prosecutions for insider trading and fraud
- Individual and company in D.O.J. antitrust price-fixing investigation
- Multiple Civil RICO cases for plaintiffs and defendants involving alleged multi-million dollar business frauds
- French public company in International Court of Arbitration against Brazil company for fraud and breach of contract
- Plaintiff businessmen for private antitrust claims for employment boycott in insurance industry
- Case of first impression to allow 50% owner to obtain N.Y. Court dissolution of foreign BVI company and distribution of \$8 million of New York assets
- Owner of the former, foreign government airline and assets against lender claims for damages and control of airline and assets
- Case of first impression under all risks, maritime insurance policy to recover \$3 million, including attorneys' fees. *Ingersoll Milling Machine Co. v. M/V Bodena*, 619 F. Supp. 493 (S.D.N.Y. 1985), *aff'd*, 829 F.2d 293 (2d Cir. 1987), *cert. denied*, 484 U.S. 1042 (1988).
- Estate in numerous litigations involving control of a public company
- Recovery of \$6.5 million damage judgment against the City of New York in 1993 after 20 week jury trials
- Defense of price fixing, antitrust action against major railroads.
- As an Assistant United States Attorney, S.D.N. Y., prosecuted significant organized crime and racketeering criminal cases and civil employment discrimination cases, including
- *United States v. Clemente*, 640 F.2d 1069 (2d Cir.), *cert. denied*, 454 U.S. 820 (1980); *In re United States*, 608 F.2d 26 (2d Cir. 1979) (organized crime)
- *E.E.O.C. v. Newspaper and Mail Deliverers' Union*, 384 F.Supp. 585 (S.D.N.Y. 1974), *aff'd*, 514 F.2d 767 (2d Cir. 1975), *cert. denied*, 427 U.S. 911 (1976)
- *E.E.O.C. v. Locals 14 and 15*, 415 F. Supp. 1155 (S.D.N.Y. 1976)

## Publications

- Appearance in “Playhouse on Park Presents: A Continued Conversation about the life work of Robert F. Kennedy” October 2020
- Appearance on “Matter of Fact” – Australia TV, July 17 2018, speaking on his recollections of the late Robert F. Kennedy on the 50th anniversary of Kennedy’s assassination.
- “RBC Unit, VP Aided \$45M Ponzi Scheme, Investors Claim”- Law360 October 3, 2017
- “Second Circuit Issues Significant Decision in Madoff Case,” Client Alert, January 16, 2014
- “In Pari Delicto Applied; SIPA Does Not Create Rights of Contribution or Subrogation,” Client Alert, July 8, 2013

## Professional Activities

- Member, New York State Bar Association

## Awards and Honors

- Recipient of United States Department of Justice’s Special Achievement Award for Sustained Superior Performance of Duty for successful organized crime and racketeering prosecutions
- Named in *Super Lawyers* (2007, 2013-2024)

## Education & Honors

- J.D., Yale Law School, Director, Yale Moot Court of Appeals
- S.B., Massachusetts Institute of Technology, Academic Honors; Member of Osiris (honorary society dedicated to MIT)

## Prior Work Experience

- Doar Devorkin & Rieck
- Assistant United States Attorney, Southern District of New York
- Attorney-advisor to the Associate Attorney General of the United States
- Law Clerk, Gerhard A. Gesell, U.S. District Judge, District of Columbia (1972-73)

## Bar Admissions

- State of New York
- District of Columbia
- U.S. District Court, Southern and Eastern Districts of New York
- U.S. Court of Appeals for the Second and Tenth Circuits
- U.S. Supreme Court