



Zachary Newman

Partner

New York
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INDUSTRIES

- Financial Services
- Information Technology
- Nonprofit and Charitable Organizations
- Real Estate

PRACTICES

- Alternate Dispute Resolution
- Appellate
- Banking & Financial Services Litigation
- Business Litigation
- Business Ownership and Governance Disputes
- Closely Held Businesses
- Financial Restructuring & Bankruptcy
- Insurance Litigation
- Real Estate
- Trust and Estate Litigation
- Workout & Foreclosure

ADMISSIONS

- New Jersey
- New York

Consistently recognized for his dynamic, passionate, and resolute approach, Zachary delivers practical, tactical, and experienced advice to a diverse clientele that includes corporate giants, global lending institutions, hedge funds and private equity firms, and corporate fiduciaries.

Zachary currently serves as the Co-Chair of Thompson Coburn's Business Litigation Group. He also is a member of the Firm's Compensation Committee and has responsibilities for lateral partner recruitment in New York.

Zachary's skillset spans all phases of litigation, alternate dispute resolution, and pre-suit evaluation. He is experienced in navigating legal matters across industries and jurisdictions. Zachary, known for taking cases to verdict and bench rulings in a myriad of courts, is equally adept at resolving disputes through alternative dispute resolution mechanisms, with a particular focus on pre-suit evaluations, negotiations, and mediation.

Zachary's practice is distinguished by astute problem-solving and efficient management of complex legal matters across diverse areas of law. He excels in crafting and deploying effective strategies to achieve client objectives, often called upon to resolve intricate matters where others have struggled.

Zachary has successfully handled a wide range of business matters, including business divorces and business ownership and governance disputes, contract and executive compensation disputes, commercial insurance claims, aircraft lease disputes, unfair competition and restrictive covenant cases, bankruptcy disputes, and alter ego and fraud claims.

His experience in Financial Services Litigation is vast, representing national, regional, and local banking institutions, private equity firms, and hedge funds. He has defended lender liability, malfeasance, unlawful practice, and deceptive trade claims, as well as prosecuted defaults under multimillion-dollar credit facilities, resolved participation, subscription, and intercreditor disputes, and engaged in disputed and complex judgment enforcement matters.

EDUCATION

- Fordham University School of Law, J.D., 1994, Awarded Best Oralist in William H. Mulligan Moot Court Competition, Judicial Intern, U.S. Magistrate Judge John Caden, Recipient, New York State Trial Lawyers Association Sidney Tolmage Memorial Scholarship, Award for Trial Advocacy
- State University of New York at Binghamton, B.A., 1990

EMPLOYMENT

- Thompson Coburn, 2021-Present
- Hahn & Hessen (Predecessor Firm to Thompson Coburn 2021 Combination), Partner, 2004-2021; Associate, 1998-2004

AFFILIATIONS

- American Bar Association, Co-Chair of the Commercial and Business Litigation Committee and Past Member of Governing Council, Section of Litigation, 2019-2022, Past Member of ABA Presidential Working Group on Task Based Billing, 2017-2018, Past Co-Chair, Corporate Counsel Committee
- New York State Bar Association
- City Bar Association of the City of New York and Past Member of Committee on Trusts, Estates & Surrogate's Courts

Zachary also has extensive aptitude in Fiduciary Litigation matters navigating investment-related claims, breach of fiduciary duty claims, and contested accountings with precision largely for major financial institutional fiduciaries.

In addition to having significant trial court experience in numerous states, Zachary has led motion and appeals before the First and Second Departments of the Appellate Division of the State of New York, the Court of Appeals for the State of New York, Florida District Court of Appeals, the Supreme Court of New Hampshire, and the First, Second, and Fifth Federal Circuits Courts of Appeals.

With three decades of substantive experience, Zachary is a thought leader in his field. He regularly speaks on a range of topics, sharing his expertise on "best lending" practices, lender liability, evidentiary issues, e-discovery, trusts and estates litigation, art loans, the rights of art consignors, and judgment enforcement. He has been a featured speaker at prestigious organizations such as the American Bar Association, Business Law Section and Litigation Section, the New York City Bar Association, the New York State Bar Association, and the New York Law Journal.

Zachary is active in the legal community, specifically the American Bar Association's Section of Litigation. He has served in multiple capacities, most recently on the governing Council shaping policy and guiding one of the ABA's largest and most active groups—the premier organization for trial lawyers in the United States, Co-Chair of the Corporate Counsel Committee and Co-Chair of the Business Litigation Committee.

Zachary's track record reflects notable successes in high-stakes cases for his financial, corporate, and individual clients.

Experience

- **Secured multiple multimillion-dollar judgments for financial institutions in contested lending litigation involving commercial, private banking and real estate lending facilities.**
- **Defeated numerous and varied lender liability claims grounded in lending, credit, underwriting and breach of fiduciary scenarios.**
- **Extensive experience in procuring and defending provisions remedy applications, including injunctions, replevin, attachments, and receiverships.**
- **Litigated lending, equity, intercreditor and fraud claims involving all aspects of commercial real estate.**
- **Prosecuted fraudulent conveyance and unlawful dividend claims and judgment enforcement in multiple jurisdictions.**
- **Completed judicial, non-judicial and Article 9 UCC foreclosures of real property, high-end collateral, including artwork, non-marketable securities and aircraft, and other valuable personal property.**
- **Multiple Surrogate and Probate Court representations addressing investment claims, prudent investor claims, breach of fiduciary duty claims, contested accountings, and fee disputes.**
- **Represented court-appointed fiduciaries in New York and Delaware state courts and acted as a federal court receiver.**

Recognitions

- Listed in New York Metro Area Super Lawyers (by Thomson Reuters), 2010-2023*
- *Pursuant to New Jersey requirements (Zachary is admitted in New Jersey, in addition to New York), we provide the following additional information: No aspect of this or any advertisement has been approved by the Supreme Court of New Jersey. For information on award methodologies, please visit thompsoncoburn.com/awards-methodologies.

Presentations

- “Structuring Default Provisions in Commercial Loans, Maximizing Borrower Protection and Lender Remedies Through Effective Event of Default Clauses,” Strafford
- “Tortious Interference with Contracts and Prospective Business Advantage: Proving and Defending Claims” Strafford
- “Deficiency Liability Of Commercial Loan Guarantors: A Comparison of California, Florida, Georgia, Illinois, and New York Law,” ABA Business Law Section, Commercial Finance Committee
- “Contested Accountings in Estate Litigation,” New York State Bar Association
- Moderator, “The Changing Face of Electronic Discovery,” ABA Corporate Counsel Seminar
- “Piercing the Corporate Veil & Turning the Judgment into Money CLE,” The Rossdale Group
- “Enforcing Money Claims Pre- & Post-Judgment: Turning Your Judgment Into an Actual Financial Recovery,” City Bar Association of the City of New York

Publications

- Co-Author, “The Anatomy and Proliferation of Fraud-Based Lender Liability Claims,” *Journal of Taxation and Regulation of Financial Institutions*
- Co-Author, “I’ve Been Sued for What? Fiduciary Duty Claims Against Hedge Fund Managers and How to Avoid Them,” *HedgeCo.Net*
- Co-Author, “The Enforceability of Fiduciary Duty Waivers,” *Commercial & Business Litigation*
- “A Primer on Recovering Lost-Profit Damages,” *Business Torts & Unfair Competition (ABA Section of Litigation)*
- Co-Author, “Evidentiary Challenges to Documents for Trial,” *Business Torts Journal*
- “The Reliability, Admissibility, and Power of Electronic Discovery,” *The Committee on Pretrial Practice & Discovery*

