

## MICHAEL W. ROSS, Partner

*Michael W. Ross is a litigation partner in the firm's Complex Commercial Litigation and Securities Litigation Practices. Mr. Ross represents corporate clients in complex disputes, investigations and regulatory challenges. He brings a sophisticated understanding of business and good strategic judgment to his client's most challenging problems. His practice spans numerous industries and areas of law, with much of his work focusing on financial services, technology and intellectual property.*

Mr. Ross's diverse practice covers the range of legal challenges that businesses face. He represents companies in their most demanding cases in industries as diverse as financial services, media, real estate, and aviation. His practice covers a wide array of legal areas, including commercial contracts, securities law, trade secrets, antitrust, class actions and intellectual property, and he has substantial experience at all stages of the litigation process, from counseling a client before a case is filed through handling an appeal. Mr. Ross also regularly represents clients in arbitration and mediation. And a significant portion of his practice is devoted to government and internal investigations.

With a particular focus on financial services, Mr. Ross has handled cases across the industry. He has represented an array of financial industry clients, including FinTech companies, brokers, investment funds and consumer finance companies, in addition to representing individual and institutional clients in government and internal investigations.

*New York Law Journal* named Mr. Ross a "Rising Star" in 2014. *Super Lawyers* listed him as a Metro Area "Rising Star" from 2015-2017. In 2018, he was recognized in the Leaders League's *Litigation & Competition* Directory for commercial litigation. In 2019, he was featured as a *New York Law Journal* Trailblazer for his leadership role in the firm's FinTech group.

Mr. Ross also has an active pro bono practice and is co-chair of the firm's Pro Bono Committee.

Mr. Ross is meaningfully engaged in the community, with a dedicated pro bono practice that focuses on immigration matters. He has worked for many years with Kids in Need of Defense (KIND) and other organizations in cases seeking relief for unaccompanied minors in removal proceedings, and has handled numerous cases for minors seeking asylum or the protections of Special Immigrant Juvenile Status (SIJS). He serves as co-chair of the firm's Pro Bono Committee in New York and a member of the Pro Bono Executive Committee.

Mr. Ross has also devoted substantial time to matters of public interest, including civil rights matters and cases relating to election and campaign finance law. Mr. Ross served as part of a team of Jenner & Block lawyers that assisted the New York State Ready Commission in preparing its recommendations to the governor regarding disaster preparedness following Superstorm Sandy. Mr. Ross also served as part of the team assisting the Special Master appointed by Hon. Jack B. Weinstein to train and monitor gun dealers who were sued by the City of New York.



## MICHAEL W. ROSS Partner

### NEW YORK

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### PRACTICE GROUPS

Class Action  
Complex Commercial Litigation  
Financial Services Litigation  
FinTech  
Litigation  
Monitorship Practice  
Real Estate Litigation and Counseling

### INDUSTRY GROUPS

COVID-19 / Coronavirus Resource Center  
FinTech

### EDUCATION

University of Pennsylvania Law School, JD, 2006; *magna cum laude*; Order of the Coif; Editor, *University of Pennsylvania Law Review*

University of Oxford, M St, 2003

Yale University, BA, 2002; *cum laude*

### ADMISSIONS

New York, 2007

### COURT ADMISSIONS

US Court of Appeals, Second Circuit, 2011

US District Court, Eastern District of New York, 2010

US District Court, Southern District of New York, 2010

### JUDICIAL CLERKSHIPS

Hon. Nicholas G. Garaufis, US District Court, Eastern District of New York, 2009 - 2010

Hon. Julio M. Fuentes, US Court of Appeals, Third Circuit, 2006 - 2007

## **Representative Litigation and Arbitration Matters**

### **Financial Services**

Mr. Ross has an array of experience across the financial services sector, including representing institutional investors, investment firms, asset managers, bond issuers and others in:

- Asset-backed securities litigation, including auction rate securities (ARS) arbitration and litigation, and residential mortgage-backed securities (RMBS) litigation
- Disputes involving complex financial instruments or investments, such as recovering assets in securities receivership and interest rate swap and capital markets disputes
- Disputes with securities placement agents
- Disputes involving securities trading platforms
- M&A, joint venture and partnership disputes
- Disputes and investigations involving consumer finance and FinTech companies, including matters involving unfair and deceptive acts or practices claims

### **Investigations and Monitorships**

Mr. Ross regularly handles complex investigations, including:

- Leading a team in a cross-border monitorship of a global financial institution
- Representing individuals in connection with government inquiries, including representing clients in export control/OFAC investigations, and representing a financial advisor in a grand jury investigation
- Representing real estate companies in New York State Attorney General investigations
- Serving a key role in court-appointed monitorship of multiple firearms dealers

### **Intellectual Property**

Mr. Ross's practice often includes representing clients in connection with disputes over intellectual property, including:

- Trade secrets litigation and counseling
- Intellectual property theft and non-compete disputes
- IT and other IP licensing disputes in various industries

### **Manufacturing and Supply Chain**

Mr. Ross also represents clients in sophisticated supply-chain and other disputes involving manufacturing, including:

- Co-leading an arbitration team that achieved a significant recovery in a supply-chain dispute in the aerospace industry
- Various manufacturers in supply-chain disputes
- A manufacturer in connection with government investigations

## Awards

- *New York Metro Super Lawyers*  
"Rising Star," Business Litigation, Securities Litigation - 2015-2017
- *New York Law Journal*  
"Trailblazer" - 2019
- *New York Law Journal*  
"Rising Star" - 2014
- Leaders League *Litigation & Competition* Directory  
New York Commercial Litigation - 2018

## Community

- Literacy, Inc., a nonprofit focusing on childhood literacy in New York City Member, Board of Directors (2015-2018); Member, Governance Committee (2015-present)

## Service to the Bar

- Association of the Bar of the City of New York
- Federal Bar Council

## Publications

- Co-Author, *Consumer Finance Observer* – Summer 2020, September 3, 2020
- Co-Author, Client Alert: Loaded for Bear: An Overview of the Federal Reserve's Corporate Credit Facilities, August 12, 2020
- Co-Author, Client Alert: Main Street Lending Program Expansion to Include Nonprofits, July 27, 2020
- *The Guide to Monitorships – Second Edition*, June 2020
- Co-Editor, Client Alert: Ready for Launch (Redux)? An Updated Analysis of the Federal Reserve's Rapidly Changing Main Street Lending Facilities, June 15, 2020
- Co-Author, Client Alert: Here We Go Again: Congress Again Amends the Paycheck Protection Program in Response to Criticism, but Is It the Last Time?, June 12, 2020
- Co-Editor, Client Alert: Ready for Launch? An Analysis of the Federal Reserve's Main Street Lending Facilities, June 2, 2020
- Co-Author, *Consumer Finance Observer* – Spring 2020, May 14, 2020
- Co-Author, Client Alert: Legislative and Regulatory Update: A Busy Month for the Paycheck Protection Program, April 27, 2020
- "Supporting America's Startups: Too Medium to Survive?" *Bloomberg*, April 24, 2020
- Co-Editor, Client Alert: Regulatory Alert: An Analysis of the Federal Reserve's New and Expanded Programs to Support the US Economy, April 14, 2020

- Co-Author, Client Alert: Treasury and SBA Launch New Small Business Lending Program Amidst Confusion and Last Minute Changes – An Analysis of the New Program, April 3, 2020
- Editor, Client Alert: Legislative Update: An Analysis of the Historic \$2 Trillion CARES Act, March 30, 2020
- Co-Author, *Consumer Finance Observer* – Winter 2020, February 5, 2020
- Co-Author, *Consumer Finance Observer* – Fall 2019, November 7, 2019
- Co-Author, Client Alert: Section 1782: Second Circuit Allows Foreign Litigants to Obtain Documents Located Outside the US, October 30, 2019
- Co-Author, *The Guide to Monitorships*, June 2019
- "Introduction," *The Guide to Monitorships*, June 2019
- Co-Author, *The Consumer Finance Observer*, July 2019
- Co-Author, "Data-Misuse Enforcement is Focusing on 3 Key Areas," *Law360*, July 23, 2019
- Co-Author, "Crypto Winter Continues With Ongoing Enforcement," Jenner & Block's Consumer Law Blog, December 21, 2018
- Co-Author, "Recent Activity Brings Further Clarity to Cryptocurrency Enforcement," Jenner & Block's Consumer Law Blog, September 26, 2018
- "Blockchain, Antitrust and Standard Setting," *FinTech Weekly*, September 19, 2018
- Co-Author, "Cryptocurrencies: Solving New Problems with Old Solutions," *Global Banking & Finance Review*, September 11, 2018
- "Cryptocurrency Security-Status Questions Clarified by SEC," *Daily Journal*, August 30, 2018
- Co-Author, "SEC Take on Tokens Clarifies Some Crypto Community Quandaries," *Jenner & Block's Consumer Law Blog*, July 10, 2018
- Co-Author, "SDNY Rules CFPB Unconstitutional, Creating Split of Authority and Raising New Questions," *Jenner & Block Consumer Law Round-Up*, July 2, 2018
- "A Hands-Off CFPB Might Cause Trouble for Fintechs," *American Banker*, March 19, 2018
- Amid Increased Enforcement Activity, SEC Reportedly Issues Cryptocurrency Subpoenas, March 2, 2018
- "Know Your Cryptocurrency: Traditional Due Diligence in a Disrupted World," *New York Law Journal*, March 2, 2018
- Courts Divide on Use of Prior Unadjudicated Complaints," *New York Law Journal*, June 1, 2015
- "Certifying Damages Class Actions after 'Comcast,'" *New York Law Journal*, April 17, 2015
- Co-Author, Client Alert: "Supreme Court Adopts New Prudence Pleading Requirements for ERISA Stock-Drop Cases in *Fifth Third Bancorp v. Dudenhoeffer*", July 1, 2014
- Client Alert: *Halliburton*: The Supreme Court Upholds Fraud-on-the-Market but Allows Defendants to Disprove Price Impact, June 27, 2014
- "Federal Defenders Honored," *Federal Bar Council Quarterly*, November 2013

- Client Alert: Second Circuit Applies Rebuttable Presumption that Fiduciaries Were Prudent in Offering Employer Stock for One Retirement Plan But Denies the Presumption to Another Plan, March 7, 2013
- “Federal Court Decision Creates More Uncertainty for ERISA Co-Fiduciaries on Contribution Claims,” *Employee Relations Law Journal*, Spring 2013
- Client Alert: Federal Court Allows ERISA Fiduciaries To Seek Contributions from Other Fiduciaries, Creating More Uncertainty in ERISA Litigation, November 9, 2012
- “Supreme Court Declines to Preempt Tort Suit in *Williamson*,” *Commercial & Business Litigation*, May 2011

## Speaking Engagements

- “Policies and Pandemics: Tech Company Insurance Considerations During the COVID-19 Era,” TechGC, November 12, 2020
- “The Coming Wave? Navigating Enforcement Risks Associated with the Use of Alternative or Sensitive Data,” TechGC, February 06, 2020
- Panelist, “Artful Drafting: Designing Commercial Contracts to Avoid Disputes,” Association of Corporate Counsel of New York City, December 05, 2019
- “The Coming Wave? Navigating Enforcement Risks Associated with the Use of Alternative or Sensitive Data,” TechGC, June 20, 2019
- “Strategies for Managing Complex Litigation,” Association of Corporate Counsel of New York City, June 13, 2019
- “Cryptocurrency Regulation,” Federal Bar Council, March 14, 2019
- “Cryptocurrency Regulation,” Lex Mundi North America Conference, March 08, 2019
- “Issues in Cryptocurrency Regulation,” Institute for US Law at The George Washington University Law School, March 06, 2019
- “Pro Bono Perspectives: Best Practices for Matters Serving the Public Good, Wherever You Work,” Lawline’s Bridge the Gap Program, February 25, 2017