

## Adam J. Safer

*Director*

[asafer@goulstonstorrs.com](mailto:asafer@goulstonstorrs.com)

New York: +1 212 878 5178



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Adam Safer is a litigator who focuses his practice in employment and complex commercial disputes. He represents financial institutions, middle-market companies and high level executives.

Adam counsels clients in connection with employment raids, restrictive covenants, contract disputes, unfair competition and compensation matters. He also conducts employment discrimination investigations and serves as lead counsel at trial and injunction proceedings in federal and state courts and before arbitral tribunals.

Adam also represents clients in complex commercial litigation matters involving financial transactions and licensing, allegations of fraud and breach of contract issues. Managing directors and senior executives look to his direct approach to obtaining the best results for structuring and enforcing employment terms.

Adam tries cases in federal and state courts, and also handles the full range of mediation and arbitration, including FINRA, AAA, JAMS and ICC arbitrations. Prior to joining Goulston & Storrs, Adam was a partner with the New York City litigation boutique, Miller & Wrubel, P.C.

### **Accolades**

- Martindale Hubbell Peer-Review Rated AV Preeminent™

## **Affiliations**

- New York City Bar Association
- Ethics in Employment Law, Co-Chair, New York City Bar (2011)
- Member of Labor and Employment Committee of the New York City Bar
- Clerkship with Hon. Lawrence M. McKenna, United States District Court, Southern District of New York

## **Admissions**

- New York
- U.S. District Court for the Southern District of New York

## **Education**

- Benjamin N. Cardozo School of Law, Yeshiva University (J.D., *magna cum laude*)
  - Felix Frankfurter Award
- University of Wisconsin-Madison (B.A.)

## **Community**

Adam recognizes a responsibility to help those who do not otherwise have access to crucial legal representation. As a result, he spearheads pro bono asylum matters for people seeking refuge from abuse and violence in their home countries.

Most recently, Adam helped two abused individuals, from Tunisia and Mexico, gain political asylum in the United States. Through his compassionate advocacy, these individuals now live productive lives in the United States, without daily fear for their safety.

Adam also spent seven years on a team of litigators that ultimately helped exonerate a death row inmate by proving his claims of actual innocence.

## **Representative Matters**

### **Real Estate Fraud and Breach of Contract; Stay of Fraudulent Judgments**

Representation of purchaser of commercial real estate that was riddled with construction defects. The seller provided purchase money mortgages to facilitate the sale supported by confessions of judgment. The seller later obtained no-notice judgments in the amount of \$38 million under an arcane New York procedure. The court granted our motion to stay enforcement of those judgments

based on proof that they were obtained by fraud and denied the seller's motion for dismissal of the complaint against it.

**Investigation Into Fraudulent Actions by a U.S. Subsidiary's CEO**

Representation of a publicly traded European telecommunications company and its U.S. subsidiary in an investigation into fraudulent actions by the subsidiary's CEO. The investigation, undertaken on behalf of the Board of Directors, found that \$38M had been directed to a company owned by the CEO, who then collected a percentage of those funds. Obtained an injunction, then attached and recovered the stolen funds held in U.S. banks.

**Claims of Discrimination and Retaliation**

Representation of defendants, a law firm and its managing partner, against claims of discrimination and retaliation. The plaintiff failed to abide by a mandatory contractual arbitration clause. After conducting an investigation, obtained a dismissal with prejudice when plaintiff filed a second court action rather than complying with a court order directing the dispute to arbitration.

**Court Action and FINRA Arbitration Against Former Employees**

Representation of an international investment bank in connection with a court action and FINRA arbitration against former employees who downloaded proprietary information shortly before their resignations to join a competitor. Obtained a temporary restraining order and preliminary injunction preventing the use by defendants of the downloaded documents.

**Breached Development License Agreement**

Representation of the inventor of a patented pharmaceutical product claiming that a pharmaceutical company had breached the development license agreement. Following a two-week arbitration before a blue ribbon panel of the International Chamber of Commerce, the arbitrators found in favor of our client and awarded damages.

**Insurance Contract Requiring Arbitration Claims for Premium**

Representation of a casino resort developer against claims that it, in addition to the owner of the casino, was a party to an insurance contract requiring it to arbitrate claims for premium. After an adverse decision in the trial court, obtained an emergency stay of enforcement and ultimate reversal on appeal.

**Restrictions Against Employees Soliciting Their Former Customers**

Representation of a commodities meat wholesaler and two employees it recruited from a competitor. Defeated a motion for a preliminary injunction alleging that our clients had improperly violated restrictions against soliciting their former customers

**Contractual Agreement Not to Solicit Former Colleagues to Join a Competitor**

Representation of a partner in a dispute with his former partnership, a major U.S. accounting firm, which alleged he had violated a contractual agreement not to solicit his former colleagues to join a competitor. The client asserted counterclaims for compensation. After a two-week arbitration heard

by a three-arbitrator panel, the arbitrators entered an award in our client's favor on these non-solicitation and compensation claims.

## Publications

April 27, 2020

**Lender Liability in the COVID-19 Era – It May Not Always Be About Control**

November 2, 2017

**Does NY Labor Law §193 Have “Anything to Do with the Failure to Pay Wages?”**

New York Law Journal

April 5, 2017

**Forum Selection: An Important Tool for Non-Competes**

New York Law Journal

February 2014

**Post-Employment Restrictions: 35 Years of Uncertainty**

New York Law Journal