



Frederick B. Warder III

Partner

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Fred Warder is a general litigator and Chair of the Firm's Law Firm Defense group. Fred's practice covers the broad spectrum of general commercial litigation, and has focused on defending law firms and lawyers against malpractice and related claims and on prosecuting and defending intellectual property and consumer fraud disputes. In the law firm defense arena, he has represented clients ranging from international firms to solo practitioners accused of malpractice, breach of fiduciary duty, fraud, disciplinary violations and related claims. In the intellectual property arena, Fred has prosecuted and defended false advertising, trademark and consumer fraud claims between competitors and in class actions for a wide variety of products and services. He appears frequently in federal and state courts on behalf of clients, has served as a mediator in partnership disputes, and speaks frequently at bar association, CLE and industry events. Fred serves as the Firm's co-General Counsel.

Representative Matters

Law Firm Defense

- Defended a global firm in a fraud action by investors in a client's failed hedge fund.
- Defended a large Southeastern firm against malpractice claims in connection with cable television carriage license agreements.
- Defended an *AmLaw* 100 firm sued by shareholders of a former corporate client in connection with the sale of the corporation.
- Defended a prominent mid-Atlantic firm sued by a former client after a large commercial real estate project foundered.
- Defended an *AmLaw* 100 firm in a malpractice suit involving issues of patents, cell phone technology and attorney disclosure obligations.
- Defended a prominent mid-Atlantic firm charged by a former client with trial errors after an adverse patent infringement judgment.
- Defended an *AmLaw* 100 firm against claims by a bankruptcy trustee alleging malpractice.
- Defended a prominent international firm against claims arising from its representation of a high-profile hospital system in Chapter 11 proceedings.
- Defended a regional firm against fraud and malpractice claims in bankruptcy proceedings.
- Defended an international firm against fraud and malpractice claims by a Texas energy company.
- Defended a Southeastern firm in connection with fraud claims by a non-client arising out of a failed real estate transaction.
- Defended a prominent international firm against claims of conflict of interest and malpractice stemming from its representation of a closely-held financial advisory business.

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- Defended an *AmLaw* 100 firm against claims of mis-administration of a \$90 million estate.
- Defended a mid-sized firm against claims that it failed to protect a group of family trusts against Madoff-related losses.
- Defended in-house counsel of a large public company against malpractice and related claims brought by a former officer of the company.
- Defended individual attorneys in disciplinary proceedings and sanctions appeals.

False Advertising & Consumer Fraud

- Defense of class actions claims against manufacturer of cosmetic products.
- Defense and prosecution of false advertising, trademark infringement and consumer fraud claims on behalf of manufacturers of skin care products.
- Defense of class action claims against manufacturers of hair care products.
- Prosecution and defense of false advertising claims on behalf of veterinary products company.
- Defense of prescription drug manufacturer accused of misleading marketing claims and practices.
- Prosecution of copyright license and related contractual claims on behalf of worldwide media company.
- Prosecution of license payment claims on behalf of music distribution company.
- Prosecution of false advertising and copyright infringement claims on behalf of reference book publisher.
- Defense of false advertising claims against manufacturer of household products.
- Defense of false advertising claims against manufacturer of pet care products.
- Prosecution of trademark and trade dress claims on behalf of art supply manufacturer.

Education

- New York University School of Law (J.D., *cum laude*, 1990)
 - Myron J. Greene Advocacy Award
 - Order of the Coif
 - Articles Editor, *New York University Law Review*
- Georgetown University (B.A., *cum laude*, 1986)

Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Southern and Eastern Districts of New York; District of Columbia
- New York
- District of Columbia

Professional Activities

HONORS: Thurgood Marshall Award (2008); Recognized in *The Best Lawyers in America*® for Commercial Litigation and *Super Lawyers* for Professional Liability Defense; Listed in *Managing Intellectual Property* magazine's "IP Stars" for New York; Received Martindale-Hubbell's highest "AV" rating

RECENT SPEAKING ENGAGEMENTS: "Timely Ethics Issues: Interacting With Witnesses, Firm General Counsel," Federal Bar Council (2017); "Law Firms, Ethics and Cybersecurity," Practising Law Institute Webcast (2016); "Effective Impeachment and Rehabilitation in the High-Stakes Legal Malpractice Case," American Bar

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Association National Legal Malpractice Conference (2016); "Client Files: The Rules of Professional Conduct and Beyond," New York City Bar Association (2016)