



Michael Fresco

Associate

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Michael Fresco is an associate in the Firm's Litigation department. From 2014 to 2015, Mr. Fresco served as a Law Clerk to the Hon. Cathy Seibel of the United States District Court for the Southern District of New York. From 2013 to 2014, he served as a Law Clerk to the Hon. Paul J. Kelly, Jr. of the United States Court of Appeals for the Tenth Circuit.

Representative Matters

White Collar Defense and Investigations

- Represents a charitable foundation in appeal of civil asset forfeiture proceedings before the Second Circuit.
- Serving on the Monitoring Team for the Newark Police Division, led by Peter C. Harvey, responsible for overseeing the NPD's compliance with a Consent Decree issued by the U.S. Department of Justice.
- Represents a not-for-profit religious corporation in connection with a New York Attorney General investigation into the corporation's investment practices.
- Represented a charitable foundation in connection with a Department of Justice investigation into alleged bribery and honest services fraud.

Complex Commercial Actions

- Represents a major pharmaceutical manufacturer in civil RICO class action alleging off-label marketing of a prescription medicine.
- Represents a financial guarantor in breach-of-contract and common law tort disputes involving mortgage-backed securities.
- Defended a major supplier of surgical aesthetic products against breach of contract claim in connection with drug development program.

Law Firm Defense

- Defended a law firm and an attorney against malpractice and breach of fiduciary duty claims in New York State Supreme Court stemming from a multi-year litigation over a call option.

Art and Museum Law

- Obtained a favorable settlement for art advisory firm in connection with title dispute over multi-million dollar sculpture.

Patterson Belknap

Pro Bono Activities

- Represents veterans of the U.S. Armed Forces in administrative discharge upgrade proceedings.
- Represents an individual convicted of drug smuggling in appeal before the Second Circuit.
- Drafted and filed an *amicus* brief on behalf of labor organization in the U.S. Supreme Court case *Trump v. International Refugee Assistance Project*, addressing the constitutionality of Executive Order 13780's suspension of the United States Refugee Admissions Program.
- Drafted and filed an *amicus* brief on behalf of non-profit human rights organization in the U.S. Supreme Court case *Jennings v. Rodriguez*, addressing the Government's authority to detain certain categories of non-citizens without providing periodic bond hearings.
- Drafted and filed an *amicus* brief on behalf of 119 religious organizations in the Ninth Circuit case *Regents of the University of California v. United States*, addressing the Government's authority to terminate the Deferred Action for Childhood Arrivals program.
- Volunteer coach for high school mock trial and moot court teams.

Education

- Fordham University School of Law (J.D., *summa cum laude*, 2013)
 - Order of the Coif
 - Associate Editor, *Fordham Law Review*
 - Wilkinson Scholar
 - Archibald R. Murray Public Service Award
- University of Florida (B.A., 2009)

Admissions

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

Professional Activities

MEMBERSHIPS: New York City Bar Association, Government Ethics & State Affairs Committee (2017-present); New York City Charter Revision Task Force (2019-present); New York County Lawyers Association, Program Coordinator, Veterans Discharge Upgrade Project (2018-present)

Publications

- Note, "Getting to 'Exempt!': Putting the Rubber Stamp on Section 501(c)(3)'s Political Activity Prohibition," *80 Fordham L. Rev* 3015 (2012)
- Contributor to BiologicsBlog.com
- Co-author, "Patent Dance Remains on Point," *Intellectual Property Magazine* (January 25, 2018)