



Rachel B. Sherman

Partner

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Rachel Sherman is a Partner in the firm's Litigation department, where her practice focuses on false advertising, products liability, and complex commercial litigation. Ms. Sherman has represented clients in the pharmaceutical, medical device, consumer products and financial industries in both state and federal courts and in arbitration. Ms. Sherman has also counseled clients and litigated matters involving employment disputes, intellectual property issues, and internal investigations.

Ms. Sherman supports the firm's pro bono practice and has a passion for helping disadvantaged children and children with disabilities. Ms. Sherman has also represented indigent clients in administrative proceedings, federal habeas actions and Article 78 proceedings in New York state court. Ms. Sherman serves on the Board of the Legal Aid Society and is the recipient of the Legal Aid Society's 2016 and 2018 Pro Bono Publico Award for having provided exceptional legal services to low-income New Yorkers. She previously served multiple terms on the LatinoJustice PRLDEF Lideres Board and was selected as a Rising Star in the New York-metro edition of *Super Lawyers* each year from 2016-2018. Ms. Sherman is named to *Benchmark Litigation's* "Future Stars" 2024 list and "40 & Under Hot List" for 2023.

Prior to joining the firm, Ms. Sherman served as a law clerk to the Hon. Joel A. Pisano of the United States District Court for the District of New Jersey and worked at an American international law firm.

Representative Matters

Complex Commercial Litigation

Secured a federal jury verdict for the world's leading beverage company in a landmark advertising dispute over juice labeling. The U.S. Supreme Court had remanded the case for trial in 2014, holding that FDA regulations authorizing the company's label did not bar the plaintiff's suit. In 2016, a California federal jury returned a verdict in favor of our client after a six-day trial and less than a day of deliberation.

Defended global pharmaceutical company in several contract disputes in multiple international and domestic arbitral forums arising out of drug or device collaboration and licensing agreements. Obtained arbitral award in favor of company in multi-hundred million dollar contract dispute.

Represented aircraft manufacturer in multiple disputes arising out of contracts with former sales representative, including arbitration resulting in favorable award for client.

Obtained dismissal with prejudice of federal class action alleging false and deceptive practices in sales of a juice product on behalf of leading beverage manufacturer.

Represented major electronics company in breach of contract action against State of New York. Obtained one of the largest settlements ever against the State in the Court of Claims.

Obtained dismissal of shareholder derivative action alleging breaches of fiduciary duties against company's Board of Directors.

Products Liability

Coordinating the national defense of a medicine for a pharmaceutical company and serving as lead defense counsel in multi-district litigation proceedings.

Representing pharmaceutical and medical device manufacturers in product liability actions pending in state and federal courts.

Representing consumer products company in product liability actions pending in state and federal court.

Coordinated the national defense of a surgical instrument for a medical device manufacturer.

Pro Bono Matters

Successfully defended low-income tenant in Section 8 termination proceedings brought by the Municipal Housing Authority of Yonkers, resulting in favorable outcome for the client.

Brought administrative proceedings against NYC Department of Education on behalf of several clients with developmental disabilities. Obtained settlements for all clients.

Brought Article 78 proceeding against NYC Housing Authority on behalf of Section 8 recipient. Obtained settlement with NYCHA.

Representing class of children in foster care with developmental disabilities in suit alleging that City and State agencies have failed to provide required services and have left children in unduly restrictive placements.

Admissions

- U.S. Court of Appeals, First Circuit; Third Circuit; Fourth Circuit; Ninth Circuit
- U.S. District Court, Southern, Eastern and Northern Districts of New York
- New York

Languages

- Spanish

Professional Activities

MEMBERSHIPS: American Bar Association; Hispanic National Bar Association; New York State Bar Association; New York City Bar Association; Legal Aid Society Board

Education

- Harvard Law School (J.D., *cum laude*, 2008)
 - Submissions Editor, *Latino Law Review*
- George Washington University (B.A., *summa cum laude*, 2004)
 - Phi Beta Kappa