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Timothy Smith is an Associate in the Firm's Litigation department. In 2019, Mr. Smith served as a Law Clerk to the Hon. Christopher F. Droney of the United States Court of Appeals for the Second Circuit. From 2017 to 2018, Mr. Smith served as a Law Clerk to the Hon. Paul G. Gardephe of the United States District Court for the Southern District of New York. From 2016 to 2017, Mr. Smith served as a Law Clerk to the Hon. Nancy G. Edmunds of the United States District Court for the Eastern District of Michigan.

Education

- University of Michigan Law School (J.D., *magna cum laude*, 2016)
 - Contributing Editor, *Michigan Law Review*
 - Order of the Coif
- Middlebury College (B.A., *summa cum laude*, 2013)
 - Phi Beta Kappa

Admissions

- New York

Publications

- Co-Author, "[Takeaways From Early NY Tuition Refund Rulings](#)," *Law360* (February 11, 2021)
- Co-Author, "[Takeaways From 4 NY Virus-Related Tenant Contract Rulings](#)," *Law360* (December 21, 2020)
- Co-author, "[COVID-19's Impact on Commercial Transactions and Disputes](#)," *PLI Current: The Journal of PLI Press* (October 30, 2020)
- Co-author, "[2 NY Contract Cases Highlight Limits Of Impossibility Defense](#)," *Law360*, (September 24, 2020)
- Co-author, "[How COVID-19 Will Affect Litigation In NY And Beyond](#)," *Law360* (March 25, 2020)
- Co-author, "[COVID-19's Impact on Commercial Transactions and Disputes](#)," *New York State Bar Association* (March 23, 2020)

Publications

February 12, 2021

Takeaways From Early NY Tuition Refund Rulings

Law360

December 22, 2020

Takeaways From 4 NY Virus-Related Tenant Contract Rulings

Law360

September 24, 2020

2 NY Contract Cases Highlight Limits Of Impossibility Defense

Law360

March 23, 2020

COVID-19's Impact on Commercial Transactions and Disputes

NY Commercial Division Blog

Patterson Belknap's Commercial Division Blog covers developments related to practice and case law in the Commercial Division of the New York State Supreme Court. The Commercial Division was formed in 1993 to enhance the quality of judicial adjudication and to improve efficiency in the case management of commercial disputes that are litigated in New York State courts. Since then, the Division has become a leading venue for judicial resolution of high-stakes and every-day commercial disputes. This Blog reviews key developments in the Commercial Division, including important decisions handed down by the Commercial Division, appellate court decisions reviewing Commercial Division decisions, and changes and proposed changes to Commercial Division rules and practices. Our aim is to provide you with thoughtful and succinct analysis of these issues. The Blog is written by experienced commercial litigators who have substantial practices in the Commercial Division. It is edited and managed by [Stephen P. Younger](#) and [Muhammad U. Faridi](#), who spearheaded the publication of the New York Commercial Division Practice Guide, which is part of Bloomberg Law's Litigation Practice Portfolio Series.

Takeaways From 4 NY Virus-Related Tenant Contract Rulings

December 23, 2020

Over the past several months, many disputes have arisen over whether the COVID-19 pandemic or government responses to it provide, depending on the jurisdiction, an impossibility or impracticability defense for nonperformance under a contract. Now, we are beginning to see...

Court of Appeals Holds Bankruptcy Law Does Not Preempt Lender's Tortious Interference Claims Against Third-Party Non-Debtors

December 17, 2020

In *Sutton 58 Associates LLC v. Pilevsky*, the New York Court of Appeals recently held in a 4-3 split decision that, under certain circumstances, bankruptcy law does not preempt a lender's state law claims against third-party non-debtors for tortious interference...

Commercial Division Dismisses Petition to Dissolve LLCs Based on Broadly Stated Purpose Provision

October 7, 2020

In *Lazar v. Attena LLC*, Justice Andrea Masley of the New York County Commercial Division granted Arik Mor and Uriel Zichron's (together, "Respondents") motion to dismiss a petition to dissolve three limited liability companies, Attena LLC, Hemera LLC, and Nessa...

2 NY Contract Cases Highlight Limits Of Impossibility Defense

September 24, 2020

A common question in the wake of the COVID-19 outbreak has been whether the pandemic or governmental responses to the pandemic provide, depending on the jurisdiction, an impossibility or impracticability defense for nonperformance under a contract. The answer to that question...