

Professional Biography



ALAN HOWARD | PARTNER

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Seasoned trial attorney Alan Howard represents clients in complex commercial disputes, cross-border litigation and international arbitration. Alan skillfully manages clients engaged in multiple proceedings in multiple jurisdictions, including companies involved in high stakes commercial contract disputes related to manufacturing, production and distribution of goods, technology and software issues, as well as domestic and global joint ventures.

Alan has successfully defended companies and individual directors in shareholder class actions in state and federal courts, most recently in Delaware, California, New York and Georgia. In addition, Alan has particular experience counseling financial institutions on anti-money laundering regulations and compliance.

With over two decades of experience trying cases at the state and federal level, Alan is also experienced in arbitration proceedings under the rules of the American Arbitration Association, JAMS and the International Chamber of Commerce. His international and domestic clients work in a range of industries, including financial services, transportation, manufacturing, agriculture, telecommunications, retail and consumer products.

Maintaining a robust pro bono practice, Alan has been recognized by the American Bar Association, Public Justice, *The American Lawyer* and the *Financial Times* for his service as lead counsel in an action involving claims of forced labor, trafficking in forced labor, civil RICO, discrimination and fraud brought on behalf of hundreds of skilled workers from India. He also worked on the prominent civil rights case involving the “Jena 6” in Louisiana.

REPRESENTATIVE EXPERIENCE

Alan representative matters include:

- Secured an arbitration award for breach and repudiation of a 15-year coal transportation agreement, over the assertion of a force majeure defense, on behalf of railroad against an owner of coal-fired power generation plants.*
- Represented the owner of an environmental plant in a dispute with the plant operator over claims of force majeure.
- Handled multiple domestic and international arbitrations involving technology and software development and licensing agreements.
- Represented a private equity acquisition search firm in a dispute over a finder's fee.
- Represented the manufacturer of industrial equipment in a dispute over an exclusive output contract.*
- Successfully defended an international financial institution against fraud claims in New York.*
- Represented companies and individual directors in the successful defense of shareholder class actions in state and federal courts, including in Delaware, California, New York, and Georgia.*

- Prevailed on behalf of an automotive parts manufacturer in an ICC arbitration arising out of the sale of a division, and specifically involving claims related to manufacturing processes.*
- Mediated a dispute on behalf of a worldwide leader in the development and supply of agricultural products involving a biotech licensing agreement.*
- Achieved an arbitration award for a major telecommunications company to enforce an indemnification agreement.*
- Represented an international infrastructure company in litigation relating to road and water projects in Africa.*
- Prevailed at trial on behalf of a retailer charged with theft of trade secrets.*
- Represented a global financial institution in mass tort litigation in the U.S.*
- Achieved at arbitration an award in favor of international manufacturers of high-speed trains arising out of a development contract for a multibillion-dollar project in Asia.*
- Represented a manufacturer of high speed trains in litigating and mediating its disputes with Amtrak relating to the construction of the Acela.*
- Arbitrated on behalf of an insurance company its dispute arising out of the termination of software contracts.*
- Resolved breach of contract and patent litigation claims in the United States on behalf of a German medical device manufacturer.*
- Achieved a verdict at trial in favor of a telecommunications company in a false advertising lawsuit.*
- Successfully represented at trial a sporting goods manufacturer against patent licensing claims.*
- Defended to verdict individual and third-party payor claims against a tobacco manufacturer in smoking and health litigation.*

*Prior firm experience.

BAR ADMISSIONS

- New York

COURT ADMISSIONS

- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York

EDUCATION

- Harvard Law School, J.D., *cum laude*, 1987
- Yale University, B.A., *magna cum laude*, 1984

PROFESSIONAL RECOGNITION

- Recognized by *New York Super Lawyers* as a "Super Lawyer", 2018 - 2019
- Awarded "Trial Lawyer of the Year" by Public Justice, 2015
- Received "Global Pro Bono Dispute of the Year" and "Global Citizenship (Grand Prize Winner)" award from *The American Lawyer*, 2015
- Recognized as "Innovative Lawyer of the Year," Social Responsibility-Pro Bono Cases category by *Financial Times*, 2015

- Received “Pro Bono Publico Award” from ABA Standing Committee on Pro Bono, 2014

PROFESSIONAL LEADERSHIP

- Southern Poverty Law Center, Board of Directors, Former Chair

SELECTED PUBLICATIONS

03.20.2020

COVID-19 and Force Majeure: Time to Review Your Commercial Contracts

Updates

Parties to commercial contracts that may be affected by COVID-19 are now examining their force majeure provisions, as well as all other risk allocation provisions, to determine which party bears the cost of delay or impossibility of performance.

04.05.2019

An Arbitration Agreement as a Contract to Constrain the Power of Federal Courts: The Impact of ‘Henry Schein’

Articles

New York Law Journal

When the 68th Congress in 1925 enacted the U.S. Arbitration Act (more commonly known as the Federal Arbitration Act or FAA), it was addressing directly a prevailing hostility to arbitration and laying the foundation for arbitration to become a fixture as an alternative to litigation for commercial disputes.

03.27.2018

Amid Cryptomania, Companies Must Brace For Blockchain

Articles

International Business Times

Investors and business leaders have recently been swept up in bitcoin-mania and the fluctuating cryptocurrency marketplace, but few have taken the time to understand the underlying technology that makes it all possible: blockchain. In order to realize the full potential of blockchain, companies must consider how future regulation might affect their ability to incorporate this technology into their business operations.

03.26.2018

Crafting Robust Force Majeure Clauses

Articles

Law360

After a recent deadly 7.5 magnitude earthquake hit Papua New Guinea, ExxonMobil Corp. shut down a local natural gas facility out of concern that critical field infrastructure and a pipeline were damaged.

11.22.2017

Undocumented Immigrants Face Inhumane and Unconstitutional Mistreatment in ICE Custody

Articles

AL.com

The Trump administration plans to increase the number of federal immigration detention centers across the country to house thousands more detainees.

PRESENTATIONS

06.13.2019

Drafting Your Contract's Dispute Resolution Clauses to Work For Your Client

Speaking Engagements

ACC 2019 In-House Counsel Toolkit / New York, NY

06.15.2017

The Art of Contracting: Tools and Tips for Identifying and Avoiding Common Traps in Commercial Contracts

Speaking Engagements

Association of Corporate Counsel / New York, NY

05.24.2017

The Art of Contracting: Tools and Tips for Identifying and Avoiding Common Traps in Commercial Contracts - Part 2

Speaking Engagements

Webinar

04.12.2017

The Art of Contracting: Tools and Tips for Identifying and Avoiding Common Traps in Commercial Contracts - Part 1

Speaking Engagements

Webinar

07.13.2016

The Art of Contracting: Tools and Tips for Identifying and Avoiding Common Traps in Commercial Contracts

Speaking Engagements

Association of Corporate Counsel / New York, NY

03.23.2016

Working Together: A Case Study in Collaborative Law Firm Pro Bono

Speaking Engagements

2016 Pro Bono Institute Annual Conference / Washington, D.C.