

Litigation Leaders: Dan Weiner of Hughes Hubbard & Reed on the Benefits of ‘Deep Industry Focus’

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By Ross Todd
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Welcome to another edition of our *Litigation Leaders* series, featuring the litigation practice leaders at some of the biggest and most innovative law firms in the country.

Meet **Daniel Weiner**, the chair of the litigation department at **Hughes Hubbard & Reed**, who is based in New York. We last checked in with Weiner [back in 2021](#) after he and his team fended off claims against the former vice-chair of financial services firm Cantor Fitzgerald, stemming from the collapse of cryptocurrency mining companies founded by a protégé who pleaded guilty to fraud in 2017. The trial marked the first time a federal jury weighed in on the question of whether particular cryptocurrency assets were securities.

Lit Daily: Tell us a little about yourself—perhaps even a thing or two your partners would be surprised to learn about you.

Dan Weiner: I am a diplomat’s son—my father served as a political officer in the U.S. State Department for 20 years, with postings in the Azores, Brasilia, New York, Washington, D.C. and Boston. Since we moved every 2.5 years (I attended six different schools before enrolling at Princeton), I had to learn quickly how to connect with new people and adapt to unfamiliar surroundings. I developed early on in life the skills needed to persuade a judge or jury—the ability to tell an interesting, coherent story, and to watch and listen, as well as speak. In my case, these are survival skills.

You handle everything from art law cases to the [first trial I’ve run across](#) to consider whether cryptocurrency-related products were “securities.” Can you give me a short version of how you ended up with such a varied litigation practice?



Courtesy photo

Dan Weiner of Hughes Hubbard & Reed.

Life is too short, and a litigator’s workload too heavy, to spend time on matters that don’t interest you. Whether it’s protecting the American Bureau of Shipping from \$2-plus billion in liability arising from Spain’s worst-ever oil spill, defending the international auction house Christie’s against ownership claims for the world’s third-largest pink diamond, explaining to a foreign tribunal the inner workings of Manila’s first five-star hotel and casino resort, or winning a unanimous jury verdict in a federal class-action lawsuit over the sale of cryptocurrency assets, there’s a common thread: These are matters that I find fascinating, both in their factual complexity and the novel legal issues they present. If you’re a litigator who finds your work dull, it’s not the work’s fault—it’s time for you to change things up!

How big is the litigation department at Hughes Hubbard and where are most of your litigators concentrated geographically?

We have 135 litigators spread across our offices in Paris, Miami, Washington, D.C., New York, Kansas City and

Los Angeles. (We also have a small representative office in Tokyo.) While the majority of our litigators are located in New York and Washington, D.C.—places where many of our clients do business or seek to understand the changing political and economic landscape—we are just as often to be found presenting arguments in courtrooms as far away as St. Thomas, Saipan and Singapore.

What do you see as hallmarks of your firm’s litigators? What makes you different?

Our litigators know the industries in which our clients operate. We are not “hired guns” who parachute in to deal with one-off disputes, but rather consider ourselves long-term partners with our clients in resolving their problems over specific market issues and concerns. Our decades-long experience in the pharmaceutical arena including handling multiple matters for Pfizer and Merck, our work for the world’s three largest auction houses (Sotheby’s, Christie’s and Phillips), and our steady diet of trials in smoking-and-health cases are but three examples of our deep industry focus. As the saying goes, “A little knowledge is a dangerous thing”; we pride ourselves in knowing both the law and the subject matter of our cases, inside and out.

In what three areas of litigation do you have the deepest bench? (I know it’s hard, but please name just three.)

Our strongest areas in litigation are difficult to isolate, as we are recognized as expert advocates in over a dozen different practice areas. If pressed, I would single out the following areas for special recognition:

Anti-corruption and internal investigations: Our firm has represented companies in several of the largest, most complex FCPA investigations and resolutions in history. We have conducted investigations and represented clients before regulators and enforcement agencies in more than 90 countries. The geographic expanse of our practice is matched by the breadth of our attorneys, who have decades of experience as outside counsel, in-house attorneys, and government enforcement officials in matters involving anti-corruption compliance and investigations, economic sanctions, and related disputes. Our attorneys assist companies and boards of directors in conducting thorough, efficient internal investigations with as little adverse impact on day-to-day business activities as possible. We use our skills as litigators and as advocates for our clients to develop pragmatic responses to governmental authorities, which often include Congressional committees, the U.S. DOJ, SEC and CFTC, and foreign enforcement and regulatory

agencies. Our team has experience in all types of internal investigations, including those involving accounting and financial reporting, anti-corruption, antitrust, computer crimes, election laws, embezzlement, espionage, the False Claims Act, insider trading, intellectual property theft, international trade controls and sanctions, marketing and pricing practices, securities fraud, and whistleblowing complaints.

Cross-border and multi-jurisdictional disputes: Hughes Hubbard advises clients located across the globe on a wide range of cross-border disputes. With litigators who hail from more than 20 countries and speak more than 24 languages, we bring local language capability and cultural sensitivity to our clients’ matters. When our clients get involved in proceedings in multiple jurisdictions, we help them determine the best global strategy and manage the parallel matters accordingly. In our decades of working on transnational proceedings, we have identified and cultivated relationships with top practitioners and firms in multiple jurisdictions. We leverage these relationships to work efficiently and collaboratively with local counsel. We also have an outstanding record of helping our non-U.S. clients avoid U.S. jurisdiction in matters where it is not to their advantage to be brought before U.S. courts or agencies.

International, commercial and investor-state arbitrations: Our international arbitration practice thrives on matters that cross borders and legal systems. Global Arbitration Review calls us “one of the world’s leading international arbitration firms,” and Chambers, Legal 500 and other leading legal rankings have recognized our prowess in commercial, investor-state and state-to-state arbitration. Our work in commercial and treaty arbitrations—which includes first-of-their-kind triumphs on behalf of individuals and entities whose property Russia seized after its illegitimate annexation of Crimea—has made global headlines. The counsel we provide our clients in high-stakes business and political disputes is informed by our deep understanding of the process and the players. Our attorneys have decades of experience in proceedings conducted under all major arbitration rules; we regularly work alongside the leading practitioners in the arbitration bar, in roles as counsel, co-counsel and arbitrators.

What were some of the firm’s biggest in-court wins in the past year, and can you cite tactics that exemplify your firm’s approach to success?

We had several high-profile victories last year. Three of them in particular showcase our strengths.

In February 2022, we defeated an appeal by the Attorney General of the U.S. Virgin Islands seeking to revive her earlier failed attempts to intervene in probate proceedings commenced by our client and his co-executor of the Estate of Jeffrey Epstein, and to freeze all assets and cash on hand held by the Epstein Estate. Had the USVI Attorney General succeeded, it would have brought to an abrupt halt the widely-heralded Epstein Victims' Compensation Program, the first-ever mass tort compensation fund established by an estate. With Hughes Hubbard instrumental in designing and implementing that program, the Estate in 2022 paid over \$121 million to 136 victims of sexual abuse by Mr. Epstein. Defeating the Attorney General on her home turf in her home court, principally through our knowledge of local USVI law and marshalling evidence that the program was extraordinarily helpful to women who suffered abuse, was particularly gratifying.

In February 2022, we won a unanimous affirmance from New York's Appellate Division, First Department, of the trial court's dismissal with prejudice of a breach-of-contract action against our client Phillips Auctioneers. That case involved a Chinese-resident plaintiff who sought to escape his contractual obligations to purchase for \$24 million an iconic painting by Gerhard Richter known as "Düsenjäger" (Jet Fighter). Our victories at the trial and appellate level depended in large part on our extensive knowledge of the international art market and its practices.

In September 2022, we prevailed in the United States District Court for the Northern Mariana Islands for our client Imperial Pacific International over Saipan's Commonwealth Casino Commission. Despite our client's unpopularity with certain elements in Saipan—where the COVID-19 pandemic brought its multimillion-dollar casino construction project to a grinding halt—the court granted our motion for a preliminary injunction prohibiting the CCC from convening an enforcement hearing to revoke our client's exclusive casino license, for which it paid tens of millions of dollars. Enforcing the parties' agreement, the court ordered the CCC to arbitrate the matter in a proceeding scheduled for May 2023. Once again, our knowledge of local law and procedure, coupled with our reliance on the importance of our client's casino to Saipan's economy, helped us carry the day.

How do the headwinds facing the economy as a whole impact a litigation practice like Hughes Hubbard's?

Litigation famously thrives when businesses fumble, falter or fail. While a once-in-a-century event like the COVID pandemic knocked litigation off-stride—after all, courts worldwide were closed for months—the regular ebbs and flows of business cycles don't adversely affect our litigation practice. I started as a first-year associate at Hughes Hubbard in 1984, and have seen our litigation practice adapt and grow, even during difficult financial times. If anything, our experience in large-scale bankruptcy litigation (including the Lehman Brothers and MF Global bankruptcies) and cryptocurrency disputes—we won the first-in-the-nation jury verdict on whether certain crypto-related products constitute "securities"—positions us well in the current "crypto winter."

What does your firm's coming trial docket look like?

We have several high-stakes matters scheduled for trial this year. These include (1) a federal criminal antitrust case in Bridgeport, Connecticut in which the government charges six executives from five companies with conspiring to allocate the labor market with a "no-poach" agreement among outsource engineering suppliers to Pratt & Whitney, a major military and commercial jet engine manufacturer; (2) a securities class action and derivative litigation in Delaware Chancery Court challenging the fairness of the CBS-Viacom merger; (3) a state court jury trial in Dallas, Texas of claims that our clients misappropriated the plaintiff's trade secrets and unlawfully interfered with its business relations by recruiting its investment adviser and broker-dealer agents; (4) three separate products liability cases alleging that our client's asbestos-containing cigarette caused serious personal injury or death, to be tried before juries in Los Angeles Superior Court, Alameda Superior Court and the Court of Common Pleas in Philadelphia; (5) a private attorney general act lawsuit in California claiming wage-and-hour violations by our client China Eastern Airlines; and (6) a pro bono case in the Southern District of New York in which our client suffered violations of his First Amendment rights while worshipping at New York City's Port Authority bus terminal.

As part of our world-class international arbitration practice, we also have a host of AAA, ICDR, ICC, ICSID, FINRA and ad hoc arbitrations scheduled for evidentiary hearings in 2023; several of these matters involve damage claims in excess of \$100 million.