



HON. IRA B. WARSHAWSKY (Ret.)

Justice of the Supreme Court, Nassau

Hon. Ira B. Warshawsky was a New York Supreme Court Justice in Nassau County’s Commercial Division from 2002 until his retirement in 2011. He presided over all manners of business claims and disputes, including business valuation proceedings, corporate and partnership disputes, class actions and complex commercial cases.

Immediately prior to his appointment to the Commercial Division, Judge Warshawsky handled general litigation in the Supreme Court including products liability, general liability, defamation matters, and matrimonial cases from 1998 to 2002. Prior to that, he sat in the Nassau County District Court for ten years, from 1987 to 1997, presiding over a wide variety of matters.

As a judge in the Commercial Division of the Supreme Court, Judge Warshawsky authored several informative decisions dealing with the valuation of shares in dissolution actions and the discoverability and cost of producing electronic materials, amongst many others. He has presented numerous seminars on electronic discovery as well as its ethical problems to practicing lawyers through the ABA, the NYSBA, the Nassau Bar Association and private corporate law forums. Judge Warshawsky currently sits as a member of the Sedona Conference and its judicial advisory board, dealing in all areas of E-discovery. He has also served as a lecturer in various areas of commercial, civil and criminal law. Most recently he testified as an

expert on New York law in the Grand Court of the Cayman Islands. Known and respected for his legal acumen and ability to resolve conflict, Judge Warshawsky was voted as one of the Top Ten Arbitrators in New York State in the 2016 New York Law Journal Annual Reader Rankings Survey in the “Best Individual Arbitrator” category for the third year (2013, 2015, 2016). He was named a *2016 National Law Journal Alternative Dispute Resolution Champion*, in which only 48 *ADR Champions* were selected nationwide. He was also a recipient of EAC’s Humanitarian of the Year Award (1996), the Nassau County Bar Association President’s Award (1997) and its Director’s Award in 2004.

According to the 2009/2010 New York Judge Reviews, Judge Warshawsky has been praised for keeping a “calm” demeanor, even during highly charged, high-profile cases. Lawyers interviewed described Judge Warshawsky as “one of the hardest working, most intelligent...most even-handed judges... and he has a very good sense of justice.” He has been described as a “top-notch judge” who is known for encouraging settlement negotiations without being overly aggressive. One attorney stated, “Judge Warshawsky is one of the best judges have ever appeared before in the nation.”

ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE and QUALIFICATIONS

Prior to leaving the bench, the judge actively championed ADR and participated in settling numerous matters involving Construction Law, intra corporate battles, negligence, employee “do not compete,” litigation, medical and dental malpractice, and derivative actions in commercial litigation, in addition to many others.



Since his retirement from the bench, he has not only been a litigator but has served as a mediator in multiple construction cases both pre-litigation and during litigation, as well as legal and professional malpractice, business disputes, “do not compete” litigation, and negligence actions.

AREAS of EXPERTISE

- Business Claims and Disputes
- Class Actions
- Complex Commercial Cases
- Construction Actions
- Corporate Disputes
- Defamation
- E-Discovery Issues including Meet and Confer Conferences
- Employment and Labor Laws
- Environmental Law
- Insurance Coverage
- Partnership Disputes
- Personal Injury Law

REPRESENTATIVE MATTERS

Significant matters presided over by Judge Warshawsky while on the bench include:

- *Sheinkin v. Simon Property Group* 33Misc. 3d 287 (2011). Court ruled in a class action case that claims that were predicated on state law, were not preempted by federal laws involving federal banks (small print disclosure, and illegal fees on prepaid gift cards.)
- *Beller v. William Penn* 15 Misc 3d 350 (2007). A class action; life insurance premiums related to universal life policies; and specific rulings on privileged communication claims as to expert witnesses concerning expert witnesses’ discussions with counsel as well as those of actuary and litigation consultant. A rare class action jury trial resulting in a defense verdict.
- *Delta Financial v. Morrison* - In ten published decisions the court made rulings involving E-discovery, Attorney client privilege, attorney accountant privilege, client accountant privilege; privilege of material prepared for litigation by litigation consultants; duty of stockholder to search/produce responsive documents to subpoena; directing production of ESI for purposes of random sampling; upheld attorney client privilege as to email communication. Ruled that attorney client privilege did not protect against disclosure of litigation committees’ discussions absent the presence of a lawyer.
- *In re Coordinated Title Insurance Cases*, 2 Misc. 3d 1007; 784NYS2d 919 (2002); 3 Misc. 3d 1102(A); 787 NYS 2d 676 - seven class action cases consolidated before the judge which settled for over 30 Million, after motion practice. Motion by Non-Party Title Insurance Rate Association (TIRSA) to quash a subpoena for records denied by the court.
- *In re Jamaica Acquisition, Inc.* 25 Misc 3d 1212(A); 901 NYS2d 907 (2009) - A key case involving the valuation of the stock of shareholders who chose not to participate in the merger/reorganization of the old bus companies of NYC.
- *Air Stream Corp. v. 3300 Lawson Corp.* 24 Misc 3d 1208 (A), 899 NYS2d 57. - An adverse possession case involving commercial property and easements.

- **Murphy v. U.S. Dredging (2008)** - Trial Court Decision: 2008 WL2401230 (2008). - A leading decision in determining the valuation of shares in this multifamily-held corporation and the “fair value” of said shares in a BCL 1118 buyout. Covering the issues of Built in Gains Tax and Discount for Lack of Marketability.
- **Rozen v. Nite Rider Group, Inc.** 19 Misc. 3d 1139(A); 866 NYS 2d 95 (2008). - An action for breach of fiduciary and malpractice against attorney’s duty for obtaining an interest in the assets of a litigation.
- **Lubov v. Weilkson** 21 Misc. 3d 896; 865 NYS 2d 510 (2008) - statute requiring professional corporations to purchase or redeem shares of a shareholder did NOT apply to shareholders of the professional corporation.
- **Echeverria v. Estate of Lindner** 7 Misc.3d 1019; 801 NYS 2d 233 (2005) - In a negligence case, court ruled on whether a litigation funding company committed usury in the charges it levied against plaintiff, whose litigation it had funded, also discussing the issue of champerty.
- **Lynn v. Purcell** 11 Misc. 3d 400; 812 NYS 2d 760 (2005) - Action between attorneys regarding right to referral fees AND whether law firm’s contributions to the matter was disproportionate to those of 2nd law firm.
- **Hartford Ins. Co. v. Rosa** 2002 WL 3168686(2002) - court found that adjuster owed no duty to preserve fire damaged equipment
- **Trump on the Ocean, LLC v. Ash** 24 Misc. 3d 1241(a); 899 NYS2d 63 (2009) - Multiple rulings involving the attempt by Donald Trump to build a new restaurant in Jones Beach and his battle with the NYS Parks Department as to rent owed on the undeveloped property and the safety of its planned restaurant.
- **Grassi & Co. CPA, PC v. Janover Rubinroit, LLC** - 82 AD 3d 700 (2011). Employment agreement ;confidentiality provisions and restrictive covenants unenforceable against former employees

Environmental Law:

- **In re Nassau County Consol. MTBE (Methyl Tertiary Butyl Ether) Products Liability** 29 Misc. 3d 1219; 918 NYS 2d 399 (2010) - Multiple class actions consolidated before the judge involving the gasoline additive MTBE and its alleged pollution of Nassau County ground water.

Insurance Law:

- **QBE Ins. Corp v. Adjo Contracting Corp. et al.** 32 Misc. 3d 1231 (A); 934 NYS 2d 36; 33 Misc.3d 1218(A); 941 NYS2D 540 (2011). - An insurance coverage case involving the duty to defend of multiple insurance carriers from multistate jurisdictions who represented parties in a major construction case involving tenant class actions, mold infestation and construction defects.

Business of Medicine:

- **Glassman v. ProHealth Ambulatory Surgery Center, Inc** 14 NY 3d 898 (2010) - Case involving healthcare industry regulations and their impact on the contract provisions of a medical employee related to offsite anesthesiology service.
- **Day Op of North Nassau, Inc. v. Viola** 16 Misc. 3d 1122 (A); 847 NYS 2d 901 (2007) - Right of discharged employees to shares of plaintiff corporation upon termination.

Attorney-Client Relationships:

- **Goetz v. Volpe** 11 Misc. 3d 632 (2006) - Court affirmed waiver of attorney client privilege, as to contents of retainer agreement.

LECTURES and WRITINGS

- Speaker/Panel Member, “Best Practices for Mediating Construction Defect Claims”, CLE presented by *NAM / The New York Law Journal*, 2017
- Author, The Rules of the Commercial Division – An Overview of Changes Throughout the Last Decade, Parts 1 & 2, Nassau Lawyer, 2016
- Speaker/Panel Member, “Mediating Construction Defect Claims”, 2016
- Author, ADR = Alternative Discovery Resolution, *New York Law Journal*, 2014
- Author, More Changes Are Coming To The Commercial Division, *New York Law Journal*, 2014
- Author, The Rules Have Changed – Should You Be Concerned?, *New York Law Journal*, 2014
- Author, What’s New In The Commercial Division, *New York Law Journal*, 2014

JUDICIAL EXPERIENCE

- Justice of the Supreme Court of the State of New York, Nassau County (1997-2011)
- Nassau County District Court Judge (1987-1997)

PROFESSIONAL BACKGROUND

- Law Secretary, New York State Court of Claims and County Court of Nassau (1974-1987)
- Nassau County Assistant District Attorney, District and County Court Trial Bureaus (1972-1974)
- Assistant Chief of the Family Court, Queens County (1970-1972)

PROFESSIONAL LICENSES

- New York State Bar

MEMBERSHIPS and PROFESSIONAL ACTIVITIES

- American Bar Association
- New York State Bar Association
- Nassau County Bar Association
- Nassau County District Court Judges’ Association
- Assistant District Attorneys Association of Nassau County
- Jewish Lawyers Association
- Nassau Academy of Law

HONORS and AWARDS

- New York Law Journal Reader Rankings Survey 2016, Top Ten - Best Individual Arbitrator Category
- National Law Journal, *2016 Alternative Dispute Resolution Champion*
- New York Law Journal Reader Rankings Survey 2015, Top Ten - Best Individual Arbitrator Category
- New York Law Journal Reader Rankings Survey 2013, Top Ten - Best Individual Arbitrator Category



HEARING OFFICER RESUME

EDUCATION

- Brooklyn Law School, J.D. (1969)
- Rutgers University, B.A. (1966)