



Geris S. Krauss, Esq.



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Emphasis

Civil Litigation

Arbitration and Mediation

Appeals

Business Divorce

Labor & Employment Law

Legal Ethics and

Professional Responsibility

Education

J.D., University of California at Berkeley, Boalt Hall, 1976

B.A., *magna cum laude*, University of Michigan, 1973; Phi Beta Kappa

Bar Admissions

New York (1977)

U.S. Supreme Court (2007)

U.S. District Courts, Southern (1997), Eastern (1998) and Northern (2007) Districts of New York

U.S. District Court, District of Colorado (2003)

U.S. Courts of Appeals, Second (1991) and Fourth (2002) Circuits

Practice Focus

Geris S. Krauss is a respected litigator and recognized expert on the complex issues relating to professional partnerships. She regularly counsels lawyers and other professionals in disputes involving partners, employees and their firms, negotiates and litigates such disputes. She also has an extensive employment law practice in which she has counseled both employers and employees on their rights and obligations, as well as negotiated and litigated a wide range of issues including discrimination and harassment claims, equal pay claims and termination rights.

Ms. Krauss' practice also focuses on mediation and arbitration. She has both represented clients in these alternative dispute resolution forums, as well as served as a mediator and arbitrator.

Professional Background

Prior to founding Krauss PLLC, Ms. Krauss was a partner at Herrick, Feinstein LLP, where she was chair of the firm's Professional Practices Group and a member of its Litigation Department, and a partner at Hinshaw & Culbertson LLP practicing in their Lawyers for the Profession Group.

Ms. Krauss is a member of the Committee on Character and Fitness for the Ninth Judicial District and served a term as a member of the Committee on Professional Responsibility of the New York City Bar.

She is a Fellow in the Litigation Counsel of America, a Trial Lawyer Honorary Society.

Additionally, she serves on the Board of Directors of the Judges and Lawyers Breast Cancer Alert (JALBCA) and is a member of the American Bar Association, the New York State Bar Association, the New York State Women's Bar Association and the Westchester Women's Bar Association.

Neutral Panels

American Arbitration Association, Panel Arbitrator

Panel of Arbitrators for Financial Industry Regulatory Authority (FINRA) Panel, Arbitrator

Panel of Arbitrators for the New York State Attorney-Client Fee Dispute Resolution Program, Member

Character and Fitness Committee for the Ninth Judicial District Character Committee, serves on hearing panels with respect to attorney admissions and reinstatement

S.D.N.Y. Mediation Panel, Member

New York State Supreme Court Commercial Division ADR Program, Mediator

Publications and Presentations

Books:

Partner Departures And Lateral Moves, A Legal and Ethical Guide, published by the American Bar Association, Law Practice Management Section, 2009

Take Control of Your Arbitration Process! What CEOs and General Counsel Need To Know About Drafting Arbitration Provisions in Contracts, published by ExecSense, 2012.

Ms. Krauss' published articles include:

- "Transition From Litigation to Mediation," *New York Law Journal*, April 4, 2012.
- "Validity of Nonsolicitation Pacts Among Lawyers Shrinks," *New York Law Journal*, October 21, 2008.
- "Issues and Principles Relating to Due Diligence in Lateral Acquisitions," *Practicing Law Institute*, "Staying Out of Trouble: What Every Attorney Must Know About Ethics 2005," December 2005.
- "New Partners: New Status Brings Change in Approach to Compensation," *New York Law Journal*, February 2, 2004.
- "The Nitty-Gritty on Equity," *Legal Times*, January 26, 2004.
- "Employers' Anti-Discrimination Policies Should Encompass Sexual Orientation," *New York Law Journal*, May 5, 2003.
- "Partnership Roles Vary Widely From Firm to Firm," *New York Law Journal*, January 27, 2003.
- "Are Law Firm Equity Partners Protected by Discrimination Laws?" *New York Law Journal*, November 19, 2002.

Ms. Krauss' presentations include:

- "The Ethical Considerations When Lawyers Change Jobs," *New York State Bar Association, Labor & Employment Law Section, New York City, Annual Meeting, February 2008.*
- "Ethics of Witness Preparation," *New York State Bar Association, Section of Commercial and Federal Litigation, New York City, Annual Meeting, January 2008.*
- "Anticipating the Personal Disaster: Why You Should Have A Plan of Action for Your Practice and How To Do It," *New York State Bar Association, Labor and Employment Law Section Meeting, Long Boat Key, Florida, March 2006*
- "The Bottom Line – Fees, Billing and Collections," *Westchester Women's Bar Association, Westchester County, New York, March 2006.*
- "Law Firm Mergers and Lateral Hires: Managing Conflicts of Interest Risks," *Hinshaw's 2006 Legal Malpractice & Risk Management Conference, Chicago, Illinois, March 2006.*
- "Law Firm Break-Ups, Mergers and Lateral Hiring – Managing the Risks," *Hinshaw's Professional Responsibility and Risk Management Program, New York, New York, October 2005.*

Media Appearances:

Ms. Krauss has appeared as a guest commentator on legal issues on television and radio shows, including "Court TV," "Celebrity Justice," "The Today Show" and "Lawline."

Client Representations

Ms. Krauss' representative cases include:

- *Posner v. Lewis*, 18 N.Y.3d 566 (NY Ct of App. 2012). Defeated defendants' motion to dismiss complaint filed by nontenured teacher against his father-in-law and brother-in-law, alleging they engaged in malicious course of conduct resulting in denial of his application for teaching tenure as retribution for his refusal to relinquish his parental rights during his divorce; the Court held that defendants' conduct in instigating complaints against teacher to school authorities that resulted in denial of tenure was not entitled to absolute privilege.
- *Fern Simmons v. Richard Omohundro, et al.*, Index No. 05-cv-4482 (TPG) (SDNY). Obtained \$3.69 million judgment entered on March 29, 2011 based on jury verdict for plaintiff on claims of joint venture, breach of fiduciary duty, quantum meruit and unjust enrichment in connection with the development of an asset management company.
- *Charles Bell v. Leona Helmsley*, New York Law Journal, February 18, 2003. Verdict, Vol. 229; Pg. p. 5, col. 1. Obtained \$11.2 million jury verdict for plaintiff on claims of sexual orientation discrimination.
- *Cecala v. NationsBank Corp.*, 40 Fed. Appx. 795 (4th Cir. 2002). Confirmed dismissal of claims of breach of contract, sex discrimination and sexual harassment by panel of NASD arbitrators after six weeks of hearings.
- *Ballen-Stier v. Hahn & Hessen*, 284 A.D.2d 263, 727 N.Y.S.2d 421 (1st Dep't 2001). Obtained, by motion, dismissal of claims of sexual harassment and retaliation brought by a former partner against a law firm.
- *Clapp v. LeBoeuf, Lamb, Leiby & MacRae*, 286 A.D.2d 643, 730 N.Y.S.2d 429 (1st Dep't 2001). Obtained injunction against any further litigation by a former partner against a law firm.
- *Harris v. LeBoeuf, Lamb, Green and MacRae, LLP*, 2000 U.S. Dist. LEXIS 18190 (S.D.N.Y. 2000), Aff'd, 29 Fed. Appx. 733 (2d Cir. 2002). Obtained summary judgment dismissing claims of race discrimination brought by employee.
- *Graubard Mollen v. Moskovitz*, 86 N.Y.2d 112, 653 N.E.2d 1179, 629 N.Y.S.2d 1009 (1995). Case defined the standards that now govern the rights and obligations of law partners who leave their law firms.
- *Romney v. Lin*, 105 F.3d 806 (2d Cir. 1997). Case ruled ERISA pre-empted state law imposing personal liability on corporation's 10 largest shareholders for claim arising under defunct private retirement plan.
- *Honzawa v. Honzawa*, 268 A.D.2d 327, 701 N.Y.S.2d 411 (1st Dep't 2000). Obtained, by motion, dismissal of malicious prosecution claim against a law firm.
- *Jones Lang Wootton USA v. LeBoeuf, Lamb, Greene & MacRae*, 243 A.D.2d 168, 674 N.Y.S.2d 280 (1st Dept 1998). Obtained, by motion, dismissal of malpractice claim against a law firm.