



David Barres

Senior Counsel

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Education

- New York University School of Law (J.D., New York University Law Review)
- Columbia College (B.A., English Language and Literature / Letters)

Bar Admissions

New York

New Jersey

Court Admissions

US District Court, Southern District of New York

US District Court, Eastern District of New York

US District Court, District of New Jersey

US Court of Appeals, Second Circuit

US Court of Appeals, Third Circuit

David has practiced litigation for over 25 years and focuses his practice on trusts-and-estates litigation, commercial litigation, and legal-malpractice defense in federal and state courts.

His active trusts-and-estates litigation practice includes will contests, complex trust disputes, and the prosecution and defense of claims challenging a trustee's performance of fiduciary duties. David also counsels estate fiduciaries concerning the administration of estates, and serves as the *de facto* in-house counsel of two significant charitable foundations.

Throughout his career, David has practiced commercial litigation, focusing on complex breach-of-contract, securities, insurance, and risk-management matters. His insurance practice includes the litigation of coverage disputes and fraud claims, as well as regulatory investigations and counseling. He has extensive experience representing banks in bankruptcy litigations and other commercial matters, including the defense of fraudulent-transfer claims and the litigation of disputes concerning the valuation of businesses and assets. He has arbitrated and mediated numerous international and domestic commercial disputes. His many years of commercial litigation experience serve him well in defending law firms accused of malpractice in commercial transactions and litigation.

Before joining Elman Freiberg, David was a litigator for 18 years at Mintz Levin (including 11 years as a partner), a litigator at Cahill Gordon, and a law clerk to the Honorable Robert E. Cowen of the US Court of Appeals for the Third Circuit. He also serves in the New York Family Court Volunteer Attorney Program, and served as a Special Assistant District Attorney for New York County.

Selected Experience:

- Representing an estate and charitable foundation in a federal action seeking hundreds of millions of dollars against trustees for breach of fiduciary duty.
- Overseeing all legal affairs of two charitable foundations funded by a Palm Beach heiress and having over \$100 million in assets.
- Defending major law firm in federal action alleging transactional legal malpractice with respect to the anti-dilution provisions of a venture-capital investment.
- Obtained probate of a will that favored the decedent's "adopted" family in the U.S. over his blood relatives overseas who challenged the will.
- Obtained an arbitration award of over \$100 million on behalf of banks and an insurer arising from a Eurobond default, and won related federal trial to pierce the corporate veils of the defaulting corporations.

David Barres

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- Represented a major bank/liquidity provider in a dispute over the sequence and priority of payments on student-loan revenue bonds.
- Represented a major bank in trial and appeal of a fraudulent-conveyance action arising from the formation of a machine-tool manufacturer.
- Represented Ruth Madoff in a variety of civil actions.
- Represented a life insurance premium-financing company in federal regulatory investigation of the legality of its transactions under the insurance, contract, trust, and securities law of multiple states and the United States.
- Represented major insurer and reinsurer in civil action involving claims of fraud, breach of contract, and regulatory violations arising from a reinsurance rent-a-captive program.