

# Thomas A Dubbs

**Year of Call:**

**Direct Access: No**

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Thomas A Dubbs has been a Senior Partner of Labaton Sucharow LLP in New York since 2000. He is also an advocate and panel member for numerous financial services arbitrations before FINRA and other bodies such as NASD, the New York Stock Exchange and the National Futures Association. In addition to this, he is a reporter on the proposed ALI Restatement of Conflict of Laws, and a Patron for the American Society of International Law.

Between 1982 and 2000, Thomas was Senior Vice President and Senior Litigation Counsel of Kidder, Peabody & Co. Incorporated. In this position, he had extensive involvement in investment banking, disclosure and other issues; carried out work on a French blocking statute, defended major class actions on behalf of underwriters, and argued a "gatekeeper" appeal on an arbitration agreement before the Second Circuit.

Thomas was also Partner in charge of the Litigation Department for Hall, McNicol, Hamilton & Clark from 1982 – 1984. Before that, he worked for Chadbourne, Parke, Whiteside & Wolff from 1974 until 1984, and some of his work there includes the following: substantial involvement in cases relating to the Cuban expropriation of the tobacco industry – addressing Act of State and other expropriation issues; one of the first actions against a foreign sovereign, an agency of the French Government, for anti-trust violations in connection with aluminium mining in New Caledonia under the Foreign Sovereign Immunities Act ("FSIA"); extensive involvement in Warsaw Convention issues for Trans World Airlines, Inc. including a trial of cases flowing from a terrorist attack in Athens airport; the use of travaux préparatoires in U.S. Courts; work on the Anaconda expropriation by Chilean government; argued "gatekeeper" appeal before the Second Circuit on the contractual statute of limitations in an arbitration clause in the case of *Conticommodity Services Inc. v. Philipp & Lion*, 613 F.2d 1222 (2d Cir. 1980).

Thomas was awarded Law 360 MVP for Class Action Lawyer of the Year 2012 (the only plaintiffs' lawyer named), as well as Law 360 MVP for Class Action Lawyer of the Year 2015. Additionally, *Chambers & Partners USA* identified him as a Plaintiffs' Securities Litigation Leading Individual (2010-2014).

## Cases:

- acted in *Morrison v. National Australia Bank*, 561 U.S. 247 (2010) at Second Circuit and Supreme Court which resulted in extensive knowledge of extraterritoriality issues
- represented a large Scottish pension fund against British Petroleum arising out of an Alaska oil spill
- represented other non-U.S. pension funds in litigation in the United States and overseas
- acted in *Kidder, Peabody & Co., Inc. v. Zinsmeyer Trusts Partnership*, 41 F.3d 861 (2d Cir 1994)

### London (Main Office)

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### Abu Dhabi

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### Dubai

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- acted as a lead counsel against Goldman Sachs involving Abacus, Timberwolf and other synthetic CDO's
- acted in several different litigations involving RMBS disputes for both claimants and respondents
- represented Kidder, Peabody & Co. Incorporated before SEC in a major investigation regarding CMO's
- as a FINRA Arbitrator, acted in *Ryan Anthony Dorbandt vs. Marv Capital Inc.* and *Jamarr Alexis Delauney vs. UBS Securities LLC*
- represented the African government in FSIA case in S.D.N.Y. on expropriation issues.

#### **Publications (articles):**

- *Textualism and Transnational Securities Law: A Reappraisal of Justice Scalia's Analysis in Morrison v. National Australia Bank*, 20 Sw. J. Int'l Law 227 (2014)
- *Morrison v. National Australia Bank: The US Supreme Court Limits Collective Redress for Securities Fraud*, Chapter 18, First Edition, Extraterritoriality and Collective Redress (Oxford U. Press 2012)
- *A Major Victory For Investors: The US Supreme Court's Decision in Halliburton Preserves the Status Quo in US Securities Litigation*, *Corporate Disputes Magazine* (October 2014)
- *Hot Topic: US Securities Litigation and Enforcement* (January 2014)

#### **Education:**

- Faculty Third Annual Institute on Current Developments in Latin American Cross-Border Securities Transactions 2015 – Practising Law Institute São Paulo
- University of Wisconsin, J.D. 1974—A+ in International Law; Jessup Moot Court Competition on Law of the Sea issues
- Fletcher School of Law and Diplomacy, Tufts University—M.A. in International Relations 1971
- University of Wisconsin, B.A. 1970

## **Memberships**

- LCIA; participation at Tylney Hall Conferences
- Institute for Transnational Arbitration Advisory Board
- U.S. Department of State Advisory Committee on Private International Law
- ALI Members' Consultative Group for proposed Restatement of Law International Commercial Arbitration
- ALI Members' Consultative Group for proposed Restatement of Foreign Relations Law of the United States
- International Commercial Disputes Committee, Federal Courts Committee, and Committee on Financial Reporting of New York City Bar Association

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