

PAUL J. MASINTER

Member and Litigation Section Head

New Orleans

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OVERVIEW

Paul Masinter focuses his legal practice on complex business, commercial and securities litigation. As chair of the firm's Litigation Section and co-chair of the Securities Practice Group, he represents clients in corporate disputes, breach of contract claims, arbitration and unfair trade practices. He also advises businesses and individuals on crisis management, including government investigations.

Paul's career has afforded him various unique work experiences, including litigating cases throughout Louisiana and the Gulf Coast. His most recent notable case involved the State of Louisiana's termination of his client's \$190 million contract for alleged criminal conduct. Through creative and aggressive representation, no criminal charges were sought, and the client ultimately won a substantial verdict against the state.

Paul believes that getting to know his clients is critical to a successful representation. To that end, he meets with clients early in a representation to make sure he understands the client's goals.

REPRESENTATIVE MATTERS

- Recently obtained summary judgment dismissing \$100 million securities fraud claim against investment advisory firm and one of its members. The claim arose out of the collapse of an investment managed by Alphonse "Buddy" Fletcher. *Firefighters Ret. Sys. V. Citco Grp., Ltd.*, 2018 U.S. Dist. LEXIS 211087.
- Representing directors and officers of the Make It Right Foundation in litigation brought by Lower Ninth Ward homeowners against the foundation, Brad Pitt and others.
- Assisted a private equity firm in connection with obtaining a favorable settlement in a class-action lawsuit brought against a PPO insurer the firm owned. Also assisted with insurance coverage issues.
- Represented software company in a lawsuit against the State of Louisiana for the State's bad faith termination of a \$197 million contract for computer programming services. Obtained a favorable settlement of the State contract termination and subsequent arbitration of termination costs. Also assisted the client in connection with several government investigations arising from the dispute. *Client Network Servs. v. State*, 2013-2118R (La. App. 1 Cir. 4/29/15), 2015 La. App. LEXIS 851.
- Represented several major securities firms in securities litigation in both state and federal courts in New Orleans.
- Represented a family-owned investment company in a securities claim in a FINRA arbitration in Memphis over the loss of millions of dollars invested in a bond fund. Obtained a favorable settlement after arbitration began.

PRACTICE AREAS

Business Litigation
Securities Litigation

BAR ADMISSIONS

United States Supreme Court
United States Fifth Circuit Court of Appeals
Louisiana Federal and State Courts

EDUCATION

Paul M. Hebert Law Center at
Louisiana State University, J.D., 1987

- Associate Editor, *Louisiana Law Review*, 1986-87

Louisiana State University, B.A. in
Political Science, 1984

CLERKSHIPS

Law clerk to the Honorable James L.
Dennis of the Louisiana Supreme
Court, 1987-88.

- Represented Consulting Services Group and some of the company's principals in securities litigation filed in Louisiana state court in Baton Rouge and ultimately obtained a favorable settlement. The lawsuit arose from the failure of Morgan Keegan bond funds. The case not only involved allegations of securities law violations, breach of fiduciary duty and fraud but also complex issues concerning indemnity and contribution.
- Represented an international liquid bulk storage company in a product liability dispute in the United States District Court for the Southern District of Ohio (Cincinnati). The claims involved allegations that a transfer hose failed, causing damages to the facility as well as causing the company to incur significant environmental clean-up costs.
- Represented an international bulk liquids trading company in an international arbitration in New York in which a judgment was obtained for all damages suffered by the client as well as attorneys' fees and costs.
- Represented a real estate developer in a criminal case in the United States District Court for the Southern District of Mississippi (Gulfport) where the government brought charges for Clean Water Act violations, mail fraud and conspiracy.
- Represented a major manufacturer of telecommunications equipment in a breach of contract/fraud action where plaintiff alleged the destruction of its business and \$2 billion in damages plus punitive damages. Case filed in the federal court for the United States District Court for the Eastern District of Louisiana.
- Represented clients in FINRA arbitrations of securities law, breach of contract and unfair trade practices claims. Represented brokers in FINRA and Louisiana state regulatory investigations and proceedings.
- Prosecuted and defended claims for breach of employment contracts, including claims to enforce non-competition, anti-raiding and confidentiality agreements.

PROFESSIONAL AND CIVIC ACTIVITIES

- President of the Board of Directors of the St. Charles Avenue Association.
- Board of Commissioners of the New Orleans City Park Improvement Association member and Past President.
- Board of Directors of the New Orleans Botanical Garden Foundation member.
- Board of Commissioners of the Hurstville Security and Neighborhood Improvement District member.
- Dean's Advisory Council for the Humanities and Social Services College, Louisiana State University member.
- LSU Foundation National Board member.
- Former Chair of the Board of Directors of Lighthouse Louisiana.
- American Bar Association Co-Chair of the Meetings and Programs Subcommittee of the Business and Corporate Litigation Committee of the Business Law Section and the former Chair of the Business Torts Subcommittee and Newsletter Committee.
- Louisiana State Bar Association member.
- New Orleans Bar Association member.
- Litigation Counsel of America Fellow.
- Formerly served on the Board of Trustees of Trinity Episcopal School, where he was Vice-Chairman and Chairman of the Development Committee.
- Formerly served on the Board of Trustees of the New Orleans Museum of Art.
- Save Our Cemeteries, Inc. Past President and board member.

HONORS & AWARDS

- *New Orleans CityBusiness* 2011 and 2020 Leadership in Law honoree.

- *Best Lawyers in America* 2014 - 2023.
- Chambers and Partners 2018 - 2022.
- *Louisiana Super Lawyers* 2013 - 2023.
- *New Orleans Magazine* "Top Lawyer" 2012 - 2018 and 2021 - 2022.

PRESENTATIONS

Panelist, "Corporate Successor Liability in M&A Transactions," Business Law Section Spring Meeting, April 2022.

Moderator, "Game of Twitter - Litigation in the Age of Social Media," American Bar Association Business Law Section, Annual Meeting, September 2015.

Moderator, "Avoiding Discovery and Trial Practice Disasters: Tales from the Bench and Trenches," American Bar Association Webinar, March 2015.

Moderator, "Avoiding Discovery and Trial Practice Disasters – Tales from the Bench and Trenches," American Bar Association Business Law Section Annual Meeting, September, 2014.

Panelist, "Finishing Touches: Necessary & Appropriate Accommodations to Improve Our Profession," Louisiana State Bar Association Disabilities Summit, October 2013.

Moderator, "Keeping Cool when Betting the Company: General Counsel in Corporate Crisis," American Bar Association Annual Meeting, August 2013.

Moderator, "Daubert - More Important Than You Think in Business Litigation," American Bar Association Annual Meeting, August 2006.

PUBLICATIONS

- Co-Author, "Game of Twitter - Social Media and its Impact on the Practice of Litigation," *Business Law Today* published by the American Bar Association, March 2016.
- Co-Author, "Securities Arbitration Law," chapter in *Recent Developments in Business and Corporate Litigation, 2015 Ed*, published by the American Bar Association, May 2015.