



**HON. DAVID B. SAXE (Ret.)**

*Associate Justice, Appellate Division, 1st Department, New York*

The Honorable David B. Saxe served as an Associate Justice, New York State Appellate Division, First Department for almost 20 years and is one of the most honored and respected members of New York's legal community. After his many years on the bench, Justice Saxe brings unparalleled judicial insight, wisdom and experience as a neutral to NAM (National Arbitration and Mediation).

His illustrious career includes sitting on the most prestigious intermediate state appellate court in the United States. During his tenure on the appellate court, Justice Saxe presided over a wide range of appellate matters that included business torts, contract issues, corporate finance, construction, employment, environmental law, insurance and reinsurance matters, intellectual property, land use and zoning, matrimonial, medical malpractice, product liability, real property, family law matters and probate issues.

Additionally, Judge Saxe sat on numerous medical malpractice cases, both as a trial judge in the New York State Supreme Court, where he tried cases to verdict and on the Appellate Division, where he sat on appeals. Further, while on the Appellate bench, he was involved in numerous appeals involving employment discrimination on alleged grounds of race, age, gender, etc.

Prior to his bench position, Judge Saxe had a distinguished career as an attorney. He served as an associate at the law firm, Berman & Frost (now dissolved) whose successor firms were Lester Schwab, etc. and Sullivan Papain, etc. and are still well known today. He then served as the Consumer Advocate & Director of Law Enforcement for the New York City Department of Consumer Affairs for four years, responsible for the enforcement of the City's consumer protection law. He also served concurrently, as Special Assistant Corporation Counsel for the City of New York. For the years immediately preceding his election to the bench, Judge Saxe was a partner at the real estate boutique law firm, Brett Apfelberg, Epstein & Saxe, where he specialized in cooperatives and condominium law.

Judge Saxe's judicial career began when he was elected to the Civil Court of the City of New York. Thereafter, he served as Acting Justice of the Supreme Court, New York County for four years. In 1990, Governor Mario M. Cuomo appointed Justice Saxe to an interim vacancy on the Supreme Court and later that year, he was elected to a fourteen-year term as a Justice of the Supreme Court, First Judicial District, and assigned to a Matrimonial Part. Subsequent to that, Governor George Pataki designated Judge Saxe as an Associate Justice of the Appellate Division, First Department, where he served with distinction until stepping down after nearly two decades on that bench.

Judge Saxe has been involved in all manner of negotiations, disputes and legal proceedings. As an arbitrator and mediator, the depth and breadth of his experience as a distinguished jurist and as a seasoned attorney, allows him to provide deep, impartial and meaningful solutions. He is known for his ability to clearly identify the problem at hand and move cases toward resolution. His area of particular focus is on complex commercial, insurance and real estate controversies, as well as significant experience in resolving high-end matrimonial-related disputes.

Judge Saxe, one of the most prolific and frequently cited Judges in the State Judiciary, has authored more than 900 decisions in his career, many of which received front page coverage in the New York Law Journal and the Official State Reporter, where he was a member of the Committee on Opinions representing the Appellate Division, First Department. His articles and essays were frequently published in The New York Law Journal, New York State Bar Association Journal, the American Bar Association Journal, Trial Lawyers Quarterly, The National Law Journal and the New York Times.

Judge Saxe was an Adjunct Professor of Law at the City University of New York for more than 30 years. He received a Certificate of Appreciation and Recognition awarded by the Zicklin School of Business at Baruch College of the City University of New York for his long and distinguished service.

Throughout his judicial career, Justice Saxe received many awards including the Meritorious Service Award from the New York County Lawyers' Association and the Harland Fiske Stone Memorial Award from the New York City Trial Lawyers for "Outstanding Contribution for American Jurisprudence." He was also admitted to membership in The Society of Benchers in recognition of his "outstanding contributions to the profession of law and to the welfare of the School of Law of Case Western Reserve University" and he was awarded the Benjamin N. Cardozo Award by the Jewish Lawyers Guild.

Justice David B. Saxe is available to arbitrate and mediate cases throughout the United States.

### REPRESENTATIVE MATTERS (Notable Cases)

- Greater New York Taxi v NYC Taxi & Limousine, 121 AD3d 21, [2014]
- Venecia V. v August V., 113 AD3d 122 [2013]
- Matter of Holmes v Winter, 110 AD3d 134 [2013]
- Jeffrey Gural v Fred Drasner, 114 AD3d 25 [2013]
- Camille Khaira v Jasvinder Khaira, 93 AD3d 194 [2012]
- Nandkumar Ramkumar v Grand Style Transp. Enterprises, 94 AD3d 484 [2012]
- Thome v Calder Foundation, 70 AD3d 88 [2009]
- Morris Gletzer v Amos Harris, 51 AD3d 196 [2008]
- Hernandez v Robles, 26 AD3d 98 [2005]
- Ruth Westbrook v WR Activities-Cabrera Markets, 5 AD3d 69 [2004]
- Houbigant, Inc. v Deloitte & Touche LLP, 303 AD2d 92 [2003]
- Campaign for Fiscal Equity v State, 295 AD2d 1 [2002]
- McNulty v the City of NY, 295 AD2d 42 [2002]
- Charpié v Charpié, 271 AD2d 169 [2000]
- Reiss v Financial Performance Corp., 279 AD2d 13 [2000]

### AREAS of EXPERIENCE

- Complex Commercial Matters
- Construction
- Estate Issues
- Insurance/Reinsurance
- Employment
- Matrimonial Disputes / Complex Equitable Distribution
- Medical Malpractice
- Real Estate Disputes

## LECTURES and PUBLICATIONS

Authored more than 900 decisions, many of which appeared in the New York State Official Reports

- Co-Author, *A Proposal for Private Judging in New York*, New York Law Journal ADR Special Report, 2021
- Author, *Med-Arb: Is it the Wave of the Future?*, New York Law Journal ADR Special Report, 2020
- Co-Author, *Lawyers Coping with Enforced Isolation*, New York Law Journal, 2020
- Author, *Digital Courtroom Advocacy: A Second Look*, New York Law Journal, 2020
- Author, *Breach of Contract and Fraudulent Inducement Claims: Two Bites at the Apple?*, New York Law Journal, 2020
- Speaker, *Do's and Don'ts of Appellate Practice: A View from the Bench*, New York City Bar, 2019
- David B. Saxe (Quoted), *1st Dept. Reduction of Argument Days Spotlights Judge Shortage; Cuomo Urged to Act*, New York Law Journal, 2019
- Author, *Strained Relationships Fade When Judges Break Bread*, New York Law Journal, 2019
- Author, *Adding a Right of Appeal in Arbitration*, New York Law Journal, 2019
- Co-Author, *Moot Court Is Not Just for Law Students*, New York Law Journal, 2019
- Panelist, *Best Practices in the Appellate Division*, Breakfast Symposium sponsored by Committee on State Courts of Superior Jurisdiction (NYCBA), 2018
- Lecturer, *Best Practices in the Appellate Division*, New York City Bar, 2018
- Co-Author, *Commercial Rent Control: Back Again?*, New York Law Journal, 2018
- Co-Author, *From 'Nomura' to 'Ambac': Where Does the Law on Sole Remedy Clauses Stand?*, New York Law Journal, 2018
- Co-Author, *The Appellant's End Game: Some Thoughts on the Reply Brief and the Rebuttal Argument*, New York Law Journal, 2018
- Co-Author, *The Ancient Common Law Faithless Servant Rule: Still Relevant in New York*, New York Law Journal, 2018
- Author, *Former Justices on the Appellate Division, 1st Department, Reflect on Careers and Friendships*, New York Law Journal, 2018
- Co-Author, *Goodbye 'Yellowstone' Road: Is This the End of the 'Yellowstone' Doctrine?*, New York Law Journal, 2018
- Co-Author, *Supersizing the Commercial Division: Is It a Good Idea?*, New York Law Journal, 2018
- Co-Author, *Court of Appeals Revisits the Doctrine of Anticipatory Repudiation*, New York Law Journal, 2018
- Co-Author, *Loss Causation in Securities Fraud Cases*, New York Law Journal, 2017
- Author, *End of Summer at the First Department*, New York Law Journal, 2017
- Co-Author, *Broader Use of Special Masters: A Proposal*, New York Law Journal, 2017
- Co-Author, *Bar Admission Process Holds Value*, New York Law Journal, 2017
- Co-Author, *Streaming of Appellate Arguments at the First Department*, New York Law Journal, 2017
- Author, *Making Prenuptial Agreements 'Bulletproof'*, New York Law Journal, 2017

## HONORS and AWARDS

- Certificate of Appreciation and Recognition, awarded by the Zicklin School of Business at Baruch College of the City University of New York for his long and distinguished service
- Meritorious Service Award, New York County Lawyers' Association
- Harland Fiske Stone Memorial Award, New York City Trial Lawyers for "Outstanding Contributions for American Jurisprudence"
- Member, The Society of Benchers in recognition of his "outstanding contribution to the profession of law and to the welfare of the School of Law of Case Western Reserve University"
- Benjamin N. Cardozo Award, Jewish Lawyers Guild

### JUDICIAL EXPERIENCE

- Associate Justice, New York State Appellate Division, First Judicial Department, 1998 -2017
- Justice of the New York Supreme Court, First Judicial District, 1990 -1998
  - Assigned the Supreme Court, Civil Term in a Matrimonial Part followed by a General Trial Part
  - Assigned to the Supreme Court, Criminal Term, Part 85, Criminal Term, Part 84
- Appointed by Governor Mario Cuomo to an Interim vacancy on the Supreme Court, 1990
- Acting Justice of the Supreme Court, New York County in IAS Part 18. 1986 - 1990
- Acting Justice, Supreme Court, Civil Court of the City of New York, 1982 – 1985
  - Full-time Acting Justice of the Supreme Court, by interim designation, per diem assignments
- Judge, Civil Court of the City of New York, 1981

### LEGAL EXPERIENCE

- Partner, Morrison Cohen LLP, 2020 – Present
- Berman & Frost
- Consumer Advocate & Director of Law Enforcement, New York City Department of Consumer Affairs: Special Assistant Corporation Counsel, New York City
- Brett, Apfelberg, Epstein & Saxe

### PROFESSIONAL LICENSES and ADMISSIONS

- Admitted to the New York State Bar, 1967
- Admitted to the Ohio State Bar, 1966

### PROFESSIONAL AFFILIATIONS and ASSOCIATIONS

- Judicial Screening Committee for the New York State Supreme Court, Appellate Division, First Department
- Committee on Character and Fitness for the New York State Supreme Court, Appellate Division, First Department
- Judging Panel for Selecting New York Law Journal's Attorney of the Year

### EDUCATION

- New York University School of Law, LL.M., 1971
- Case Western Reserve University School of Law, J.D., 1966
- Columbia College, B.A., 1963