

Jonathan M. Herman

Of Counsel

herman.jonathan@dorsey.com

New York – 212.415.9247



Jon served for a dozen years as the Co-Leader of the Firm's Commercial Litigation Practice Group and has more than 40 years' experience trying cases, arguing appeals, and advising clients on complex litigation, as well as more than 25 years' experience as a mediator.

Jon's practice involves a broad range of commercial and corporate litigation, with an emphasis on class action defense. The Commercial Litigation group has been named a Tier 1 practice group in *Best Lawyers* for the past several years. He has handled complex litigation involving banking, securities, publishing, UCC, employment, antitrust, defamation, trademarks and unfair competition, real estate, trusts, and estates. Jon has also advised companies and individuals facing regulatory investigations.

Jon is a seasoned mediator with extensive experience in alternative dispute resolution. He serves on the American Arbitration Association's Roster of Mediators and is a member of the mediation panels for both the United States District Court for the Southern District of New York and the United States District Court for the Eastern District of New York. He has mediated complex commercial disputes across industries, drawing on decades of experience as both a neutral and an advocate in arbitration and mediation proceedings, as well as his experience as an advocate in diverse litigation, in order to help parties reach efficient, practical, and durable resolutions.

Select Experience

- *Spinner Consulting LLC v. Stone Point Capital LLC*, 2021 U.S. App. LEXIS 10477; 2021 WL 1382809 (2d Cir. Apr. 13, 2021), *aff'd* 623 B.R. 671; 2020 U.S. Dist. LEXIS 181942 (D. Conn. Sep. 30, 2020) (counsel for defendant Stone Point Capital LLC, in dismissing antitrust claims under Sec. 1 of the Sherman Act and the antitrust laws of both CA and CT)

Education

- New York University School of Law (J.D., 1973)
 - Editor, New York University Law Review, Articles and Book Review
- New York University, University Heights (B.A., History with highest honors, 1969)
 - Phi Beta Kappa
 - Completion of 24-hour Part 146 Approved Initial Mediation Training, 16-hour Part 146 Advanced Mediation Training, and additional training sponsored by the SDNY/EDNY Mediation Programs

Bar Admissions

- New York

- *Recovery Fund II USA LLC v. Rabobank, N.A., et al.*, 2020 U.S. Dist. LEXIS 17395; 2020 WL 509166 (D. Del. Jan. 31, 2020) (counsel for defendants, Bankruptcy Management Solutions, Inc., the largest provider of software services to Chapter 7 trustees, and its CEO, in dismissing, with prejudice, plaintiff's class action complaint alleging RICO, fraud, and numerous other claims); 2020 U.S. Dist. LEXIS 94065; 2020 WL 2784080 (D. Del. May 29, 2020) (awarding defendants attorneys' fees as a sanction against plaintiff for filing a frivolous claim)
- *Spinner Consulting LLC v. Bankruptcy Management Solutions, Inc.*, 2020 U.S. App. LEXIS 65 (3d Cir., Jan. 3, 2020), *aff'd* 2019 U.S. Dist. LEXIS 98577 (D. N.J., Jun. 12, 2019) (counsel for defendant, the largest provider of software services to Chapter 7 trustees, in dismissing plaintiff's class action complaint alleging price-fixing under §1 of the Sherman Act)
- *McGarry & McGarry, LLC v. Bankruptcy Management Solutions, Inc.*, 2018 U.S. Dist. LEXIS 110264; 2018 WL 3218659 (N.D. Ill., July 2, 2018), *aff'd*, 2019 U.S. App. LEXIS 26764; 2019 WL 4197546 (7th Cir., Sep. 5, 2019); 2017 U.S. Dist. LEXIS 93133; 2017-1 Trade Cas. (CCH) P 80,029; 2017 WL 2619143 (N.D. Ill., Jun. 16, 2017) (counsel for defendant, the largest provider of software services to Chapter 7 trustees, in dismissing plaintiff's class action complaints alleging claims under §1 of the Sherman Act and 740 ILCS 10/3, the Illinois Antitrust Act price-fixing provision)

Court Admissions

- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Third, Seventh, Ninth and Eleventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations

- Member, American Arbitration Association's Roster of Mediators
- Member, Panel of S.D.N.Y. Mediators, selected by the Chief Judge of the United States District Court, Southern District of New York
- Member, Panel of E.D.N.Y. Mediators, United States District Court, Eastern District of New York
- Member, Second Circuit Judicial Conference Program and Planning Committee
- Member, Association of the Bar of the City of New York; Member, Long-Range Planning Committee, 1994-1997; Committee on Federal Courts, 1991-1994; Ad Hoc Committee on Senate Confirmation Process, 1991-1992; Committee on Professional and Judicial Ethics, 1985-1988; Committee on Civil Courts, 1974
- Member, New York State Bar Association; Member, Section on Commercial & Federal Litigation; Member, Section on Dispute Resolution
- Trustee, New York University, 2009-2015
- New York University Alumni Association, President, 2006-2008; Vice-President, 1996-2005; Member, Board of Directors, 1996-present
- New York University Law School Alumni Association, President, 1994-1996; Vice-President, 1990-1993; Member of Board of Directors, 1985-present
- Chairman, Litigation Subcommittee of Dorsey's AI Task Force

Accolades

- Martindale Hubbell® AV Preeminent® Rated Lawyer, 1995–2026
- New York Metro Super Lawyers®, 2006–2010, 2012–2026
- Consistently providing pro bono legal assistance to those in need through Dorsey's

Pro Bono program

- *Best Lawyers in America*®, 2012–2023
 - Trustee, New York University, 2009–2015
 - Fellow, Litigation Counsel of America
 - New York University Alumni Association Alumni Meritorious Service Award, 1996
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Insights

April 30, 2019

Employers Beware: Recent Developments in Employee No-Poaching Agreements

July 2, 2018

Law Firm Can't Sue Over Alleged Software Price-Fixing

Fall 2017

"Plausibility in the Eye of the Beholder: Circuits Address How to Read Twombly,"
American Bar Association Antitrust Magazine

February 14, 2017

First Department Opens the Door a Bit Wider to "Disclosure-Only" Settlement
Agreements in Class Action Cases