

Citing Conflicts as Merger Looms, Former SDNY Judge Leaves Stroock for Boies Schiller

By Dan Roe

September 29, 2023

What You Need to Know

- Former U.S. District Court Judge Shira Scheindlin said conflicts prompted her exit from Stroock & Stroock & Lavan as the firm eyes a merger with Pillsbury Winthrop Shaw Pittman.
- Boies Schiller Flexner's focus on litigation appeared a better fit for Scheindlin's practice as a neutral, she said.
- Scheindlin said she hopes to contribute to investigations, mock trials and criminal defense work at Boies Schiller as well.

While Stroock & Stroock & Lavan plots a potential merger with Pillsbury Winthrop Shaw Pittman, a former New York federal judge of 22 years isn't hanging around to find out how the tie-up might affect her practice.

Boies Schiller Flexner on Friday morning announced the hiring of former U.S. District Court Judge Shira Scheindlin, who arrives at the firm's New York office as of counsel after seven years at Stroock. Then-President Bill Clinton appointed Scheindlin to the U.S. District Court for the Southern District of New York in 1994, where she served until 2016.

Since moving to private practice, Scheindlin has practiced as a neutral in mediations and arbitrations as well as a court-appointed special



Courtesy photo

Former U.S. District Court Judge Shira Scheindlin of Boies Schiller Flexner.

master, mock trial and appellate judge, and expert witness.

In an interview, Scheindlin said she had been "very happy" at Stroock, but was already having to decline nearly a third of incoming inquiries due to conflicts with the Big Law firm's numerous institutional clients. "I know their intention is to [merge](#) with a bigger firm, so that would just increase the number of institutional clients and the number of conflicts, which would not be good for me," she said.

In contrast, Boies Schiller's exclusive focus on litigation presented fewer conflicts and an opportunity to contribute to investigations, mock trial work and criminal defense work, Scheindlin said. "It was an opportunity that couldn't be missed,"

said Scheindlin. “That means this is the right firm for me at the right time.”

A Stroock representative did not respond to a request for comment on Scheindlin’s departure.

Scheindlin’s hiring brings the former judge’s “substantial” practice as a neutral, mediator and arbitrator to the firm, said Matthew Schwartz, managing partner and Scheindlin’s former clerk, as well as insight and expertise for clients and mentorship for young lawyers.

“It’s not very often that a firm has the opportunity to bring on board a highly distinguished former federal court judge in a court—the Southern District of New York—that we practice in substantially,” Schwartz said.

During her time on the bench, Scheindlin also sat by designation on the U.S. Court of Appeals for the Second and Ninth Circuits. She oversaw scores of high-profile and controversial matters,

among them New York City’s Stop and Frisk policy and the criminal trials of John Gotti Jr. and Russian arms deal Viktor Bout, and issued several influential rulings involving e-discovery.

Before joining the bench, Scheindlin was the chief administrative attorney and deputy chief of the Economic Crimes Unit at the U.S. Attorney’s Office for the Eastern District of New York. She was also a magistrate judge in the same district and the GC of investigations for the City of New York.

The pandemic has only accelerated the growth of alternative dispute resolution, Scheindlin said. “Parties often put arbitration clauses in their agreements, in those clauses they have to mediate before they arbitrate,” she said. “I know it’s an expanding field at all times, especially in the commercial context, and I do mostly commercial arbitrations and mediations.”