

PARTNER

## Jenna C. Smith

---

### Albany

30 South Pearl Street  
12th Floor  
Albany, NY 12207  
Phone 518 694 4257



### PROFILE

Jenna is an experienced litigator who represents clients in high-stakes commercial disputes and class action litigation. She has represented plaintiffs and defendants in federal and state courts throughout the country in areas including antitrust, contract disputes, financial services, consumer protection, False Claims Act, and data breach litigation. She also has extensive experience litigating complex adversary proceedings in bankruptcy court.

Jenna is a results-oriented litigator, who has obtained significant recoveries for her clients. She played a critical role in successfully achieving a \$198 million settlement against Navient on behalf of student loan borrowers whose loans had been discharged in bankruptcy. She has successfully litigated several contract disputes on behalf of renewable energy companies, including obtaining a preliminary injunction in a time-sensitive commercial dispute. Additionally, she is currently defending a leading financial services company in clawback proceedings stemming from the liquidation of Bernard L. Madoff Investment Securities.

Jenna joined the firm following a clerkship with the Hon. Lawrence E. Kahn of the U.S. District Court for the Northern District of New York. She also spent two years working as a special assistant to U.S. Senator Kirsten E. Gillibrand. She serves as a member of the firm's diversity committee and is the pro bono coordinator for the Albany office. Jenna is also a board member of RISE, a nonprofit dedicated to providing housing and supportive services for those struggling with mental health and/or substance abuse issues, as well as the Regional Food Bank of Northeastern New York.

### EXPERIENCE

---

### PRACTICES

Antitrust and Competition  
Creditor Rights, Bankruptcy, and Restructuring  
Class Actions  
Data Privacy and Cybersecurity  
Securities and Shareholder Disputes  
Products Liability  
Financial Institutions and Private Funds  
Commercial Disputes  
Energy  
Insurance Disputes

---

### EDUCATION

**University of Washington School of Law**, J.D., with Honors; Comments Editor, *Washington Law Review*; Legal Writing Fellow; Student Director, Legal Writing Center; President, American Constitution Society  
**Dartmouth College**, B.A., Government and Environmental Studies

---

### ADMISSIONS

#### Bars

New York  
U.S. District Court: Eastern District of New York  
U.S. District Court: Northern District of New York  
U.S. District Court: Southern District of New York

Jenna's experience includes:

- Representing leading global insurance company in clawback proceedings relating to the liquidation of Bernard L. Madoff Investment Securities
- Representing prominent renewable energy companies in a variety of disputes including breach of contract, price gouging, and products liability
- Achieved \$198 million settlement against Navient on behalf of student loan borrowers whose loans had been discharged in bankruptcy
- Achieved over \$25 million in cumulative settlements for consumer classes alleging that commercial banks were attempting to collect on discharged credit card debt
- Achieved a favorable settlement on behalf of pro bono client asserting civil rights violations arising during prison disciplinary proceeding
- Successfully defended a European investment group, with each side to bear its own costs, in Delaware Chancery Court in connection with a multi-year litigation in which one of the world's largest private equity firms raised the novel argument that defendant's affiliate's litigation funding activities violated a release clause

## PUBLICATIONS & PRESENTATIONS

Co-author, **Recent Decisions Regarding the Telephone Consumer Protection Act**, *New York Law Journal* (December 2024)

Co-author, **Constitutional Challenge to Recent NY Emergency Tenant Protection Act Amendment**, *New York Law Journal* (July 2024)

Co-author, **Dormant Commerce Clause Does Not Apply to State Cannabis Licensing Programs**, *New York Law Journal* (March 2024)

Co-author, **The Taliban, Al-Qaeda, the Russian Federation and Economic Sanctions, Oh My!**, *New York Law Journal* (September 2023)

Co-author, **Recent Decisions: Defamation Claims and Maintaining Standing Throughout an Action**, *New York Law Journal* (May 2023)

Co-author, **Trump Complaint Dismissed, DTSA Claims Lacked Jurisdiction**, *New York Law Journal* (August 2022)

Co-author, **Decisions Demonstrate Nuances of First Amendment Law**, *New York Law Journal* (May 2022)

Co-author, **Affirmative Defense Forfeited; Relevant Market Definition Held Insufficient**, *New York Law Journal* (February 2022)

U.S. Court of Appeals: Second Circuit

---

## AWARDS AND ASSOCIATIONS

×

Lawdragon 500 X - The Next Generation (2024)

Best Lawyers in America: Ones to Watch (2022-2023); (2023-2025)

Northern District of New York Pro Bono Honor Roll (2021-2022); (2022-2023)

Awards Chair, Adirondack Women's Bar Association

Member, New York State Bar Association

Member, Federal Bar Association for the Northern District of New York

---

## CLERKSHIPS

×

Hon. Lawrence E. Kahn, U.S. District Court: Northern District of New York

---

Co-author, **Two Cases Challenge Constitutionality of COVID-19 Mandates**, *New York Law Journal* (November 2021)

Co-author, **Water Contamination Settlement and Student Loan Class Certification**, *New York Law Journal* (August 2021)

Author, Carving at the Joints: Using Issue Classes to Reframe Consumer Class Actions, 88 *Wash. L. Rev.* 1187 (2013)

---

Copyright © 2024 Boies Schiller Flexner LLP.  
All Rights Reserved.

Attorney Advertising.  
Prior results do not guarantee a similar outcome.