

Brian J. Fischer

Partner

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Areas of Focus

Antitrust and Competition

Law

Business Litigation

Financial Litigation

Intellectual Property

Hedge, Investment, and

Private Equity Funds



Overview

Brian Fischer is a first-chair litigator and a trusted advisor to clients who come to him when the stakes are high and the situation is complicated.

Brian's practice is built on results. Over more than two decades, he has represented plaintiffs and defendants in commercial and regulatory disputes of great significance contested in federal and state courts around the country, as well as in arbitration. His clients include hedge funds and other investment funds, Fortune 500 and other major companies in addition to high-net-worth individuals. Brian regularly advises on their most consequential disputes: battles over contractual rights, fiduciary obligations, trade secrets, post-M&A liabilities, employment covenants, complex financial products, joint ventures, financial fraud, and multi-front civil and regulatory threats.

Yet clients have come to rely on Brian for more than just skillful courtroom advocacy: the capacity to offer candid, strategic counsel when a difficult situation arises and the best, most thoughtful strategy isn't immediately clear. As a litigator, Brian is known for being aggressive when he needs to be and measured when that best serves his clients. Logical and strategic, Brian thinks carefully about how a case will end before deciding how it should begin.

“

I focus on my clients' most significant disputes. I work with them to identify their objectives. I then work with my teams to achieve them.”

Areas of Focus

- Antitrust and Competition Law
- Business Litigation
- Financial Litigation
- Intellectual Property
- Hedge, Investment, and Private Equity Funds
- Trade Secrets and Restrictive Covenants
- Investor and Securities Litigation
- Markets and Trading
- Middle East

Representative Matters

- Obtained a sizable arbitration award on behalf of a venture capital client over a breached stock purchase agreement. Following confirmation of the award, was appointed by the court as limited receiver of the adversary company to ensure compliance with award payment obligations.
- Defended an investor against breach of contract and related tort claims stemming from an alleged breach of an agreement to sell a substantial claim in the FTX bankruptcy. Held the line and negotiated a favorable early resolution.
- Defended a biotechnology company against a breach of contract suit brought by former shareholders of an acquired company claiming tens of millions of dollars in post-acquisition milestone payments. Secured an advantageous early resolution.
- Secured a nearly \$40 million judgment for a Fortune 50 company in a contract and intellectual property dispute with a former business venture partner. The judgment was upheld by the Third Circuit Court of Appeals.
- Served as national counsel to a group of consumer installment loan lenders and servicers facing civil litigation and regulatory enforcement actions across the country, including a first-of-its-kind lawsuit brought by the Consumer Financial Protection Bureau.
- Won summary judgment dismissing all claims against an individual angel investor and a not-for-profit consortium of angel investors in a suit alleging misappropriation of trade secrets and breach of fiduciary duty over the origins of Pinterest.com.
- Represented a Korean company in a Section 1782 discovery proceeding in the U.S. District Court for the Southern District of New York, successfully defeating a comprehensive motion to quash the client's subpoenas. The ruling secured document discovery and depositions critical to the client's shareholder derivative action in Seoul Central District Court against directors of one of Korea's most prominent chaebols.

Credentials

Admissions

- New York, 2003

Education

- Harvard Law School, JD, *magna cum laude*, Symposium Director and Editor, *Harvard Journal on Legislation*, 2002
- State University of New York at Binghamton, BA, *summa cum laude*, Phi Beta Kappa, 1999

Court Admissions

- US Court of Appeals, Second Circuit, 2011
- US Court of Appeals, Third Circuit, 2014
- US Court of Appeals, Fourth Circuit, 2015
- US Court of Appeals, Eleventh Circuit, 2014
- US District Court, Eastern District of New York, 2005
- US District Court, Southern District of New York, 2004
- US District Court, Eastern District of Wisconsin, 2014

Clerkships

- Hon. Naomi Reice Buchwald, US District Court, Southern District of New York, 2003-2004

Service / Recognition

Awards

- Jenner & Block's Albert E. Jenner, Jr. Pro Bono Award, 2008
- *Legal 500*, Dispute Resolution - General Commercial Disputes, 2016
- *Legal 500*, named a "key figure" among "renowned partners" in Jenner & Block's New York office
- *New York Metro Super Lawyers*, 2022-2025

Community

- Harvard Law School Association of New York City, Board Member
- New York Committee and SIFoCC Judges, Commercial Litigators' Forum

Pro Bono

Brian is a winner of Jenner & Block's Albert E. Jenner, Jr. Pro Bono Award. He maintains an active civil and criminal pro bono practice, having represented immigrants seeking asylum, individuals affected by Superstorm Sandy, a death-row inmate whose sentence was vacated, and a journalist pursuing a FOIA claim against the DEA. He also secured a reversal of a criminal conviction on grounds of improper exclusion of evidence and prosecutorial misconduct.