

# Nicholas A. Duston

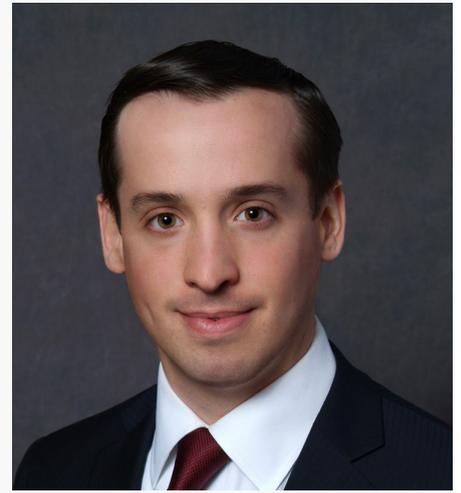
Member

Nicholas A. Duston focuses on complex commercial litigation in the state and federal courts of New Jersey and New York, as well as arbitrations with the American Arbitration Association (AAA), the Financial Industry Regulatory Authority (FINRA), and other arbitration organizations. His practice primarily involves disputes among business owners, their managers, and their employees. These can include shareholders, members, partners, officers, managers, employees, and other agents of corporations, LLCs, partnerships, and other types of business entities. Nick has extensive experience litigating fraud and breaches of fiduciary duty, and he regularly handles cases with related issues such as employee theft of trade secrets, diversion of corporate opportunities, or breaches of restrictive covenants or non-compete obligations. He is adept at untangling complex fact patterns such as those arising from complicated financial instruments, complex multi-entity business structures, or large amounts of electronically stored information (ESI).

Nick's practice includes white-collar criminal matters, such as conducting internal investigations or defending companies and individuals during internal or government investigations into alleged securities fraud, money laundering, and other financial crimes. He has handled many matters at the intersection of white-collar and civil litigation, successfully litigating Racketeer Influenced and Corrupt Organizations (RICO) Act claims as both defense counsel and plaintiff's counsel. He regularly handles issues relating to government seizure of property, particularly on behalf of secured lenders, including defense against civil and criminal asset forfeiture; as well as civil rights litigation under 42 U.S.C. § 1983, when the government seizes property without due process or in violation of other constitutionally-protected rights. He skillfully preserves lienholders' rights and secures possession of collateral in various civil contexts.

Nick recognizes above all that when a client seeks his help, it is because something has gone wrong, often in a complicated and completely unforeseen way. That client needs not only an experienced litigator who can "win," but also an attorney who understands their goals and can provide expert guidance. Every dispute has a spectrum of solutions, from an efficient and pragmatic deal to an all-out, knock-down fight through trial and beyond, and everything in between. Some clients focus exclusively on monetary cost and gain; others seek to avoid repeat litigation, want to make an impact on the law, or have reputational or other broad, non-monetary agendas. Nick handles each dispute as the situation warrants while remaining laser-focused on his client's goals (which are almost always more nuanced than "win" or "settle") to help the client make informed decisions about each possible path to resolution.

Prior to joining Norris McLaughlin, Nick was a commercial litigation associate in the white-collar investigation and litigation practice group of Debevoise & Plimpton.



## Contact

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White Collar Investigations and Litigation Practice Group of Securities Arbitration, LLP, in New York City. At Columbia University School of Law, he was a Harlan Fiske Stone Scholar, a member of the Columbia Journal of European Law, and in the Non-Profit Organizations/ Small Business Clinic.

## Areas of practice

Bankruptcy, Creditors' Rights, and Financial Restructuring

Criminal Defense

Executive Compensation, Employment, ERISA, and Employee Benefits

Litigation

Securities

White Collar Investigations & Defense

## Education

Columbia University School of Law  
J.D., 2010

Boston University  
B.A., *magna cum laude*, 2007

## Professional Affiliations

American Bar Association

New York State Bar Association

Adult Day Center of Somerset County  
Board of Trustees

## Bar Admissions

New Jersey

New York

U.S. District Court  
Eastern District of New York  
Southern District of New York  
District of New Jersey

U.S. Court of Appeals  
Second Circuit  
Third Circuit

