



# Michael A. Fernández

## Member

## New York

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Michael focuses on representing international and domestic clients in complex commercial litigation in state and federal courts, international arbitrations, and regulatory compliance matters. He is experienced in issues concerning complex jurisdictional issues and cross-border discovery matters.

Fluent in Spanish and Portuguese, Michael has experience representing foreign and domestic companies and individuals in matters covering a broad range of industries, including cryptocurrency, commodities, construction and real estate, food and beverage, gaming, financial services, moving and storage, and oil and gas. He has also represented international clients in various investigations and proceedings before authorities in the United States.

**Commercial Litigation:** Michael has litigated several cases through trial and has handled numerous appeals before the New York State Appellate Divisions and several federal courts. Among his many high stakes matters, Michael was a member of the successful trial team that represented the defendant in a lawsuit that alleged that he had entered into a putative partnership to invent and mine Bitcoin. The lawsuit sought over half a trillion dollars in damages. After four years of intense litigation, four weeks of trial, and seven days of arduous jury deliberation, in a case that was widely thought to be unwinnable, they found that there was no partnership.

Michael also frequently represents and advises clients in cross-border disputes that raise complex questions of personal jurisdiction, choice of law, and similar issues. Most notably, he successfully argued an appeal before the New York State Appellate Division, First Department which resulted in the dismissal of a breach of contract action brought against a Brazilian national domiciled in Uruguay and an Uruguayan corporation on jurisdictional grounds.

**Domestic and International Arbitration:** Michael regularly represents parties to international commercial and investment treaty arbitrations conducted in Spanish and English under the major international rules including UNCITRAL, ICSID, ICC, and ICDR. In addition to representing clients in pending arbitrations, he has represented clients in connection with proceedings to compel arbitration and to obtain the recognition and enforcement of foreign arbitral awards.

He has also served as an arbitrator in cases administered by the American Arbitration Association and the International Center for Dispute Resolution.

**Corporate Internal Investigations:** Michael has represented clients in various investigations and proceedings before authorities in the United States, including a large state-owned oil company in Latin America on investigative matters.

With over 10 years of experience, he honed his skills in cross-border litigation at leading global law firms. Most recently, he was a partner with an international litigation firm with offices in Miami and New York.

Michael is also very active in several legal professional organizations, investing his time and energy in the mentorship and education of young lawyers. He is currently an adjunct professor at Fordham Law School, where he teaches courses focused on transnational disputes, and he guest lectures at universities in the United States and abroad, most recently at Columbia Law School.

### Practice Areas

- International
- International Arbitration
- Commercial Litigation

### Industry Sectors

- Cryptocurrency and Blockchain Technology

### Education

- Columbia University School of Law, J.D., 2012
- Tufts University, M.A., 2012
- Yale University, B.A., 2007

### Bar Admissions

- New York

### Court Admissions

- U.S. District Court -- Southern District of New York
- U.S. District Court -- Eastern District of New York
- U.S. Supreme Court
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Eleventh Circuit

### Affiliations

American Bar Association:

- *Co-Chair, Section of Dispute Resolution, Client Representation Committee*

New York City Bar Association:

- *Member, Board of Directors*
- *Former Chair, Inter-American Affairs Committee*
- *Affiliate Member, Arbitration Committee*

New York State Bar Association:

- *Committee on Courts of Appellate Jurisdiction*
- *Committee on Civil Practice Law and Rules*

New York State Supreme Court, Appellate Division, First Department

- *Member, Committee on Character and Fitness*

Florida Bar Association:

### Michael A. Fernández

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- Member, *iLaw Conference 2025 Steering Committee*
- Member, *iLaw Conference 2024 Steering Committee*

Hispanic National Bar Association:

- Vice President of Affiliates & Associates
- Chair, International Law Section
- Former Member, HNBA/BMA Encuentro Organizing Committee

Inter-American Bar Association:

- Executive Committee Member, IABA-NY
- Council Member

Chartered Institute of Arbitrators:

- New York Branch Committee

International Chamber of Commerce:

- Former Young Arbitrators Forum Representative

Young ITA:

- Former Co-Chair, North America

Hispanic National Bar Foundation, Board Member

Latino Judges Association Foundation, Inc., Board Member

American Arbitration Association (AAA)

Costa Rica Center of Conciliation and Arbitration (CICA)

Arbitration Center of Mexico (CAM)

Conflict Resolution Commission of the Chamber of Industry of Guatemala (CRECIG)

## Awards & Honors

- Mission Ambassador, Hispanic National Bar Association, 2023
- Top Lawyer Under 40, Hispanic National Bar Association, 2022
- Rising Star, Commercial Arbitration, LMG Expert Guides, 2022
- Rising Star, Civil Litigation Defense, Super Lawyers, 2018-2024
- Ones to Watch: Alternative Dispute Resolution, Commercial Litigation, Best Lawyers, 2021-2022
- Empire Counsel, New York State Bar, 2018
- Legal Team Award, Her Justice Commitment to Justice Award, 2014
- Pro Bono Service Award, New York City Family Court Volunteer Attorney Program, 2013 & 2014

Michael earned his bachelor's degree from Yale University and his master's degree from Tufts University's Fletcher School of Law and Diplomacy. He earned his law degree from Columbia Law School, where he was the managing editor for the *Journal of Transnational Law*. While in law school, Michael interned with the Honorable Justice Ronaldo T. Acosta, New York Appellate Division, First Judicial Department, and the Honorable Justice Barbara Lagoa, Florida Third District of Appeal.

## Experience

### **Representative Civil/Commercial Litigation Experience**

- Served on the trial team that successfully represented the defendant in a lawsuit centering on an alleged partnership to invent and mine Bitcoin in which the plaintiff sought more than half a trillion dollars in damages.
- Served as the primary associate on the trial team that objected a \$60.7 million jury verdict for a U.S. portable moving and storage company in a trademark dispute.
- Secured dismissal, on jurisdictional grounds, of a breach of contract action filed against a Brazilian national domiciled in Uruguay and an Uruguayan corporation in connection. Successfully argued the defendants' appeal before the New York State Appellate Division, First Department.
- Secured dismissal, on jurisdictional grounds, of a defamation dispute filed against a U.S.-based vehicle rental company in New York state court.
- Counseled international corporate entities in connection with complex questions of personal jurisdiction, blocking statutes, and the extraterritorial application of U.S. law.
- Represented a municipality in connection with the Puerto Rican debt restructuring process in English and Spanish language proceedings.
- Represented U.S. and Latin America media companies in commercial disputes resulting from the fallout of the FIFA scandal.
- Representing a U.S. food and beverage company in a breach of contract, breach of the duty of good faith and fair dealing, and economic duress dispute filed in New York state court against its former supplier.
- Represented a U.S. company and major real estate developer in a dispute filed in New York state court over the management rights to a partnership.
- Represented U.S. companies in New York state court that were alleged to have tortiously interfered with a buyout agreement.

### **Representative Commercial Arbitration Experience**

- Representing a U.S. company in an international arbitration related to the breach of a design consulting contract.
- Represented a U.S. company in an international arbitration related to the termination of an agreement for the sale and purchase of fruit.
- Represented Honduran nationals in an international arbitration and related anti-suit injunction proceeding in the Southern District of New York arising from the breach of a settlement agreement.
- Represented a financial services entity in an international arbitration in connection with breach of a

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corporate purchasing card account agreement.

- Represented a Mexican company in an international arbitration related to the termination of an agreement for the sale and purchase, transportation, and delivery of natural gas.
- Represented a Mexican company in an international arbitration related to the unlawful termination of a construction agreement.
- Represented a U.S. company in a domestic arbitration proceeding related to issues with the financing of a construction project.
- Represented a Brazilian company in a U.S.-based federal court proceeding seeking confirmation of a foreign arbitral award.
- Served as an arbitrator in AAA and ICDR arbitrations.

***Representative Investor-State Arbitration Experience***

- Represented foreign investors in connection with several investor-state arbitrations against a Latin American country.
- Represented U.S. investors in a dispute brought under the North American Free Trade Agreement (NAFTA) against Mexico.
- Served as counsel to a Caribbean State in connection with its international investment treaty regime.

***Representative Compliance Experience***

- Represented a large state-owned oil company in Latin America in investigative matters in the United States.
- Represented a Colombian executive in connection with an internal investigation.