

PROF. SETH E. LIPNER

Department of Law
Zicklin School of Business
Bernard M. Baruch College, CUNY
1 Bernard M. Baruch Way
New York, New York 10010
646-312-3595

Deutsch & Lipner
1325 Franklin Avenue
Suite 225
Garden City, New York 11530
516-294-8899

e-mail: proflipner@aol.com

EDUCATION

BS in Management, Rensselaer Polytechnic Institute, 1978 (6-year law program)

JD, Albany Law School, 1980

LLM in Trade Regulation, New York University School of Law, 1981

ACADEMIC EXPERIENCE

Professor of Law (with tenure), Zicklin School of Business, Bernard M. Baruch College, **1982 - present**. Teach graduate and undergraduate courses in, inter alia, law and international business, law and e-business, and law of business contracts. Lecture frequently to bar groups, regulators and business groups on a variety of other subjects, including negotiation and dispute resolution, ethical decision-making and intellectual property. Chair of College and School Undergraduate Curriculum Committees, Faculty Advisory Council of Bernard L. Schwartz Communications Institute, and others. Associate Professor until 1991

Adjunct Instructor, Adelphi University, 1981-82

PROFESSIONAL EXPERIENCE

Partner, Deutsch & Lipner, Garden City, New York. **1985 - present**. Practice limited to arbitration and arbitration law, especially but not exclusively relating to the securities industry. Represented parties in significant arbitration law cases in New York and federal courts, and as amicus in U.S. Supreme Court and others. Conducted over 100 securities and commercial arbitrations through award as counsel, in numerous forums. Often quoted on arbitration issues in publications worldwide.

SELECTED PUBLICATIONS

Books:

Lipner & Long, Securities Arbitration Desk Reference (Thomson/West 2006) (forthcoming Septembr)

Friedman, Hildebrand & Lipner, A Vendor's Guide to Computer Contracting, Prentice Hall Law and Business, New Jersey, (1992); approx 600 pages.

Lipner, Legal and Economic Aspects of the Gray Market, Quorum Books, New York (1990); 230 pages

Books (continued)

Lipner & Kalman, Computer Law: Cases and Materials, Merrill Publishing Co., 1989, 597 pages.

Articles in Scholarly Journals (selected)

Lipner, Methods of Dispute Resolution: Torah to Talmud to Today, 2006 American Rev. of Int'l Arbitration (Columbia Law School) ____ (Fall 2006)

Gray Market Controversies: The 1980s and Beyond, 1989 Fletcher Forum 307.

Gray Market Goulash: The Problem of At-the-Border Restrictions on Importation of Genuine Trademarked Goods, 20 Cornell Int'l L.Rev. 103 125 (1987), *reprinted in* 77 Trademark Report 77 (1987)

Lipner, International Antitrust Law: To Arbitrate or Not to Arbitrate, 19 George Washington J.Int'l Law & Economics 395-432 (1985)

Lipner: The Legality of Parallel Imports: Trademark, Antitrust or Equity, 19 Texas Int'l L.J. 553 (1984)(cited in *Orig.Appalachian Artworks v. Granada Electronics, Inc.*, 816 F.2d 68 (Cardamone, concurring))

Papers in Professional Journals

Lipner, Limitations in New York: Measuring, Shortening, Tolling, 13 PIABA B.J. No.1, pp.3-8 (2006)

Lipner, PIABA and the Development of Ethical Precepts 12 PIABA B.J. No.4, pp.5-10 (2006)

Lipner, Mistakes Claimants' Lawyers Make, 12 PIABA B.J. No.3, pp.4-7 (2005)

Lipner, The Reason Arbitration Statistics are Meaningless, No.,2, pp.2-5 (2005); reprinted in "The Neutral Corner" (NASD) 2006

Lipner, Statute of Limitations: The Courts Finally Decide Who Decides, 11 PIABA B.J. No. 4, pp.6-10 (2005)

Lipner, , Investment Managers, Fiduciary Breaches and Overconcentrated Accounts, 11 PIABA B.J. No.3, pp. 2-6 (2004)

Lipner, Some Thoughts on Arbitration, Practice and PIABA, 11 PIABA B.J. No.2, pp. 3-5 (2004)

Lipner, Vacatur in New York: Arbitrator Misconduct, 11 PIABA B.J. No.1, pp. 23-27 (2004)

Lipner, Second Report of the Shadow Task Force on securities Arbitration reform: The Shadow Returns, 10 PIABA B.J. No.4, pp. 2-8 (2003)

Lipner, Some Old New York Damages Cases That Just Might Apply Today, 10 PIABA B.J. No.3, pp. 2-4 (2003)

Papers in Professional Journals (continued)

Lipner, Phony as a \$3 Bill: Attorney Issued Discovery Subpoenas in Arbitration, 10 PIABA B.J. No.2, pp 2-12 (2003)

Lipner, Personal Jurisdiction and Arbitration Litigation, 10 PIABA B.J. No.1, pp3-5 (2003)

Lipner, Fraud in the Inducement: Claims Can Be Made Against Brokers (and Lawyers), 9 PIABA B.J. no.4, p. 24-26 (2003)

Lipner, The Impropriety of Confidentiality Orders in Securities Arbitration, 9 PIABA B.J., no. 3, p.3 - 5 (2002)

Lipner, Of Broker Dealers, Investment Advisors and Exculpatory Contracts, 9 PIABA B.J., no.2, p.13 - 15 (2002)

Lipner, The Easter Bunny, the Self-Critical Analysis Privilege, and Other Figments of the Securities Industry's Imagination, 9 PIABA B.J. vol.1, p.1114 (2002)

Lipner, Trademarked Goods and Their Gray Market Equivalents: Should Product Differences Result in the Barring of Unauthorized Goods from U.S. Markets? 18 Hofstra L.Rev. 1029 - 1055(1990)

Lipner, Gray Market Controversies: The 1980s and Beyond, 1989 Fletcher Forum 307 - 326 (1989)

Lipner, Gray Market Goulash: The Problem of At-the-Border Restrictions on Importation of Genuine Trademarked Goods, 20 Cornell Inter.L.J. 103 - 125 (1987), reprinted in 77 The Trademark Reporter 77 - 102 (1987)

Lipner, Horizontal Mergers, General Dynamics and its Progeny: Requiem for a Presumption, 27 S.Texas L.J. 381 - 432 (1986)

Lipner, International Antitrust Law: To Arbitrate or Not to Arbitrate, 19 Geo.Wash.J.Inter.L.& Econ. 395 - 406 (1985)

Lipner, The Legality of Parallel Imports: Trademark, Antitrust or Equity? 19 Tex.J.Inter.L. 553 - 576 (1984)

Lipner, Restricted Distribution at the FTC: Rule of Reason or Reign of Chaos?, 17 J.Marshall L.Rev. 309 - 333 (1984)

Lipner, Antitrust's Per Se Rule: Reports of its Death are Greatly Exaggerated, 60 Denver L.J. 593 - 611 (1983)

Lipner, The Legality of Franchise Lease-Tying 46 Albany L.Rev 858 - 895 (1982)

Proceedings:

New York Stock Exchange Symposium on Arbitration, William Donaldson, Moderator, published in 63 Fordham L.Rev. 1495 et seq. (1995).

Chapters in Books:

Why Arbitration Recovery Statistics are Meaningless, in Securities Arbitration 2005, by David Robbins, Practising Law Institute, 2005, reprinted in 12 PIABA B.J.; selected and reprinted in "PLI All-Stars"; selected and reprinted, "The Neutral Corner" (NASD) 2006.

Second Report of the Shadow Task Force on Securities Arbitration Reform", in Securities Arbitration 2003, by David E. Robbins, Practising Law Institute, 2003, reprinted in 10 PIABA B.J. No.3, pp 2-8 (2004).

"The Use and Abuse of Subpoenas in Arbitration: A Primer on Third-Party Discovery", in Securities Arbitration 2001, by David E. Robbins. Practising Law Institute, 2001, 833-856.

"Ideas Whose Time Has Come: The Single Arbitrator and Reasoned Awards", in Securities Arbitration 2000, by David E. Robbins, Practising Law Institute, 2000, 659-675.

"Law of Churning", in Securities Arbitration 1999, by David E. Robbins. Practising Law Institute, 1999, pp 309-348.

"Report of the Shadow Task Force on Securities Arbitration Reform", in Securities Arbitration 1997, by David E. Robbins. Practising Law Institute, 1997, pp333-352.

Other Publications:

"Just Say No to a Restitution Fund", The New York Times Op-Ed, May 2, 2003.

"Victims of the Bull Market", WallStreetPoet.com (Guest Poet of the Week) 2002

Numerous letters to the Editor to The New York Times, etc.

Numerous comments to SEC on NASD/NYSE Rulemaking

Frequently quoted in NY Times, Wall Street Journal, Forbes, Newsweek, BBC, NPR, etc.

PROFESSIONAL HONORS, PRIZES, FELLOWSHIPS

Jim Beckley Award, Public Investors Arbitration Bar Association, 2001

Zicklin School of Business Teaching Excellence Award, 2001

Honorary Inductee, Beta Gamma Sigma, 2004

OFFICES HELD IN PROFESSIONAL SOCIETIES

President, Public Investors Arbitration Bar Association ("PIABA"), 1994-5 and 2000-01

Secretary and Member of Board of Directors, PIABA, 1990 - 2005

Director Emeritus, PIABA

OTHER PROFESSIONAL ACTIVITIES AND PUBLIC SERVICE

Member, National Arbitration and Mediation Committee, National Association of Securities Dealers, (NASD) 1999-2002.

Member, Board of Editors, Securities Arbitration Commentator, 1999-2001.

Contributing Editor, PIABA Bar Journal, 2002-present

Board of Directors, Hildegard Lash Foundation, 1995-present