ArentFox Schiff LLP
Attorneys

Brian Farkas

PARTNER

Brian litigates complex commercial disputes.



Industries

Nonprofits & Associations
— Higher Education
— Labor & Employment
— Litigation
Private Companies

Practices

Complex Litigation
International Arbitration & Dispute Resolution
Labor, Employment & OSHA
Trade Secrets, Noncompetes & Employee Mobility

Education

Benjamin N. Cardozo School of Law, JD

New York University, Graduate School of Public Service, MPA

Vassar College, BA

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Brian is a partner in the Complex Litigation group. He represents businesses and large nonprofit organizations in federal and state courts, as well as in arbitration and mediation proceedings.

Before joining ArentFox Schiff, Brian served as a judicial law clerk to the Honorable Robert W. Lehrburger of the U.S. District Court for the Southern District of New York. He also spent six years as an associate at a midsize litigation firm in New York.

Beyond his legal practice, Brian is passionate about teaching. He is an adjunct professor at Cardozo School of Law, where he teaches legal writing to first-year students, as well as upper-level seminars on arbitration and mediation. Multiple graduating classes have voted him “Best Adjunct Professor,” an award he received most recently in 2024.

He is also an adjunct professor at the City University of New York (CUNY), where he teaches undergraduate courses on law, negotiation, and conflict management. In alternating semesters, Brian teaches courses on mediation at Brooklyn Law School and previously served as a clinical instructor for Brooklyn Law School’s Mediation Clinic, training students to resolve disputes in Brooklyn’s Small Claims Court.

His writing on arbitration and mediation has appeared in numerous publications, including the *N.Y.U. Journal of Law & Business*, *Lewis & Clark Law Review*, *Cardozo Law Review*, *Harvard Negotiation Law Review*, and *Northeastern Law Journal*.

During law school, he was Editor-in-Chief of the *Journal of Conflict Resolution*, an academic journal dedicated to arbitration, mediation and negotiation scholarship. He was awarded the Andrew S. Zucker Award for Academic Excellence.

Professional Activities

Brian is an active member of the New York City Bar Association, where he serves on the Board of Directors. He chairs the City Bar’s New Lawyer Institute, which offers career development programming and mentoring for law students and recent graduates. He also co-chairs the City Bar’s

new Task Force on Higher Education, which involves organizing events, developing policy papers, and advocating on issues affecting colleges and universities.

For the American Bar Association, he previously chaired the Legal Education Committee of the Section of Dispute Resolution, working with staff and volunteers to administer the annual Representation in Mediation Competition – a national moot competition for law students.

Publications, Presentations & Recognitions

??????Each year from 2016 to 2024, Brian has been named a "Rising Star" by *Super Lawyers* for Business Litigation.

Some recent publications in law review and trade publications include:

- "New York's Proposed Ban on Noncompete Agreements Is Dramatically Overbroad," *The New York Law Journal*, December 7, 2023 (with Linda Jackson).
- *Arbitration at the Supreme Court: The FAA from RBG to ACB* , 42 Cardozo L. Rev. 2927 (2022).
- *The Life and Death of CPLR 7515: New York's Attempt to Prohibit Mandatory Arbitration of Discrimination Claims*, NYSBA New York Dispute Resolution Lawyer (Summer 2021).
- *Contracting Jurisdiction: Arbitration of Noncompetition Disputes in Employment Agreements* , 15 N.Y.U. J.L. & Bus. 525 (Summer 2019).
- "New Lawyer Institute Brings Millennial Members Into the Fold," *New York Law Journal*, September 24, 2019.
- *First Impressions: Drafting Effective Mediation Statements* , 22 Lewis & Clark L. Rev. 157 (2018) (with Donna Erez Navot).
- "Tough Transitions: Managing Disputes between the First and Second Generations of Arts Organization Leadership," American Bar Association, *Landslide Journal of Intellectual Property Law*, July/August 2017.
- *The Continuing Voice of Dissent: Justice Thomas and the Federal Arbitration Act* , 22 Harvard Negot. L. Rev. 33 (2016).
- *The History and Legacy of the Pound Conferences* , 18 Cardozo J. Conflict Resol. 677 (2017) (with Lara Traum).
- *Stiffing the Arbitrators: The Problem of Nonpayment in Commercial Arbitration* , Harvard Negot. L. Rev. Online, Spring 2015 (with Neal M. Eiseman).

His recent presentations include:

- Speaker, "Arbitration Under Attack," ABA Section of Dispute Resolution, April 12, 2024.
- Moderator, "A New Day? Ending 'Forced' Arbitration of Sexual Assault and Harassment," Cardozo School of Law, February 21, 2023.
- Podcast Guest, "How I Lawyer with Professor Jonah Perlin," March 3, 2023.
- Moderator, "Basic Training for Young Lawyers," New York City Bar Association, September 20, 2022.
- Speaker, "After the Election: The Evolving Politics of Arbitration Law," ABA Section of Dispute Resolution, Annual Spring Conference, April 16, 2021.
- Speaker, "Court Systems and the Future of Online Dispute Resolution," Jed D. Melnick Annual Symposium, Cardozo School of Law, October 23, 2020.
- Moderator, "Networking and Interviewing in the Virtual World: Navigating the COVID-19 Landscape," New York City Bar Association, June 9, 2020.
- Speaker, "Arbitration on the Ballot: The 2020 Election and Beyond," ABA Section of Dispute Resolution, Annual Spring Conference, May 21, 2020.
- Moderator, "Boot Camp for Young Lawyers," New York City Bar Association, September 10, 2019.
- Resolutions Podcast: "What should be included in a pre-mediation statement?" American Bar Association, April 25, 2019 (with Donna Erez Navot).

Life Beyond the Law

Brian is a passionate volunteer for Vassar College, his undergraduate alma mater, where he currently serves on the Board of Trustees. Between 2013 and 2018, he was president of the Vassar Club of New York, planning educational and social programs for alumni around the New York area.

Bar Admissions

New York
New Jersey
District of Columbia

Court Admissions

US District Court, Southern District of New York
US District Court, Eastern District of New York
US District Court, District of New Jersey
US Court of International Trade