



Stephen Shackelford Partner

New York
(212) 729-2012
sshackelford@susmangodfrey.com

Overview

Stephen Shackelford, a member of Susman Godfrey's Executive Committee, has litigated and tried complex, bet-the-company cases in federal and state courts across the United States. He has secured recoveries worth hundreds of millions of dollars for plaintiffs and protected defendants from billions of dollars in potential exposure.

After finishing first in his class at Harvard Law School and clerking for Justice Stephen Breyer on the U.S. Supreme Court, Shackelford knew he wanted to pursue a career as a stand-up trial lawyer. Litigation is now his specialty—taking on and winning complex, high-stakes cases on both sides of the “v” across many different practice areas: business disputes (including breach of contract), torts (including breach of fiduciary duty, securities fraud and other fraud, RICO, tortious interference with contract, and defamation and libel), the False Claims Act, intellectual property (including patents, trade secrets and trademarks), insurance coverage disputes, and class actions.

“Stephen is one of the most talented lawyers I’ve worked with: a creative thinker, a wise counselor, a great strategist who’s equally great and rigorous with the details. But with all that said, what’s most important about Stephen is the extraordinary degree to which he embraced my cause, and my company’s cause, as his own—a profoundly consequential cause involving my life’s work and of great strategic importance to my company. He lived it with me, was devoted day in and day out. He had the rare ability to make my cause his own while maintaining independence of thought and action. Stephen always gave me honest, direct, frank advice. He always made the time to hear me out, to really listen, and thoughtfully challenged every time it was warranted. But then invariably he’d push forward—push our cause forward—with passion and determination. And just as importantly, while he always fought hard, he also always fought honorably, fairly, and respectfully. An excellent and passionate lawyer, and a fundamentally decent and honorable human being: that, to me, is everything I want in a lawyer, and it’s why if the need arose I would immediately turn to Stephen again—because I trust him.”

Dov Seidman, Founder and Chairman, LRN; Founder and Chairman, The How Institute for Society; author, *How: Why How We Do Anything Means Everything*

Unique Background

In 2012, a year after Shackelford became a Susman Godfrey partner, he was hired to serve as Special

Counsel to the General Counsel at the General Electric Company. Shackelford's three-year stint working at one of the world's greatest in-house legal departments yielded an invaluable education on what the most sophisticated and discerning clients look for in outside counsel. It also dovetailed nicely with Shackelford's pre-law school career as a burgeoning entrepreneur. The two experiences together have provided Shackelford with a unique perspective on business and its relationship with the law, and directly impact Shackelford's effectiveness in the courtroom today.

"Stephen is a superbly talented lawyer. I worked extensively with him and marveled at his thoroughness, his creativity and his doggedness. He is an outstanding writer and thinker, gifted as well on his feet. He also has character with a capital C, honest and principled."

Brackett B. Denniston, former Senior Vice President and General Counsel of the General Electric Company; current Senior Counsel, Goodwin

Effective Approach

Shackelford is a savvy litigator, strategic trial lawyer and relentless advocate for his clients. Clients, colleagues, and even adversaries appreciate his attention to detail, rigorous analytical skills, and ability to identify and focus on what is critical to achieving a case's core objectives. Shackelford proves time and again that he can adapt to curveballs, overcome challenges, and exploit opportunities.

Shackelford runs his cases with an emphasis on three key principles:

- *Efficiency* - Shackelford focuses on what is outcome determinative and does not waste time on sideshows, especially in discovery.
- *Transparency* - Shackelford will always give candid advice, even when it may not be the advice the client wants to hear. Candor and communication in a trial team is critical to forming a winning strategy.
- *Flexibility* - Shackelford is not deterred when an unexpected issue arises. As one of his long-time mentors likes to say, when something bad happens—whether bad facts or tough rulings—do not to run from it, but "embrace it and reframe it." Figure out a way to turn the bad into the good.

"Stephen represented one of our funds in a complicated securities fraud case. We were very pleased with Stephen's representation - especially his strategic advice throughout the case as well as his thorough understanding of the complex factual and legal details involved. Stephen's hard work paid off as we achieved a favorable result. We look forward to working with Stephen on our next high stakes litigation matter."

Rob Derivaux, General Counsel, Q Investments

Prominent Matters

Shackelford's recent matters include:

- ***GE v. Nebraska Investment Finance Authority (NIFA)***. Won a jury verdict from which General Electric received relief valued at over \$100 million in a dispute with the Nebraska Investment Finance Authority over an investment contract involving payments at substantially above-market interest rates. Successfully argued the verdict on appeal before the Second Circuit. *See GE Funding Capital Markets*

Services, Inc. v. Nebraska Investment Finance Authority, 767 Fed. App'x 110 (2d Cir. 2019).

- **R2 Investments, LDC v. Quorum Health Corporation, et al.** Secured favorable settlements in a securities fraud case against two sets of defendants on behalf of R2, an investment fund affiliated with the private investment firm Q Investments.
- **Sabre, Inc. v. The Insurance Company of the State of Pennsylvania et al.** Hired months before trial to represent the worldwide travel technology leader in a \$100 million insurance coverage dispute. Successfully settled the case on the eve of trial.
- **Dov Seidman and LRN Corporation v. Chobani, LLC and Droga5, LLC.** Represented LRN and its founder, Dov Seidman, in a lawsuit against William Morris Endeavor Entertainment, LLC, Droga5, LLC, and Chobani LLC, asserting claims related to Mr. Seidman's and LRN's "How" philosophy and platform and the "How Matters" campaign that advertising agency Droga5 created for Chobani in 2013, which launched in 2014 and concluded in 2015. Secured a favorable settlement for Seidman and LRN on the eve of trial. Chobani withdrew its application for a trademark for "How Matters."
- **Bank of New York Mellon solely as Trustee for GE-WMC Mortgage Securities Trust 2006-1 v. WMC Mortgage, LLC and GE Mortgage Holding, L.L.C.** Defended GE subsidiary, GE Mortgage Holding, in a subprime lending lawsuit where the plaintiff was claiming nearly \$1 billion in damages. Co-wrote key pretrial motions that the judge granted, which decimated the plaintiff's damages case and led to a confidential settlement a week before trial.
- **Bacon v. Nygard.** Represents hedge fund founder, Louis Bacon, in ongoing defamation lawsuit against Canadian fashion mogul Peter Nygard, seeking to make Nygard pay for the massive "smear campaign" he orchestrated against Mr. Bacon. In addition to the main case pending in New York state court, represented Mr. Bacon in a series of other satellite litigation brought by Nygard or Nygard proxies.
- **Swiss Re v. GE.** Represents GE in a lawsuit in New York state court concerning a highly complex dispute over a tax indemnification agreement signed as part of Swiss Re's \$6.8 billion purchase of GE's reinsurance business in 2005.

Community Involvement

Shackelford is an active member of Susman Godfrey's Racial Justice Working Group, which the firm started to ensure it brings its resources to bear in contributing to building a more just society.

Shackelford also serves on the board of the Fund for Modern Courts, a non-partisan, independent court reform organization that advocates for the improvement of the New York State court system and for ensuring a diverse, highly qualified and independent judiciary. In addition, he serves on the Advisory Board of Markup.Law, an early-stage start-up focused on building smart and secure ways for people to create, manage, influence, and analyze public policy.

In his hometown of Westport, Connecticut, Shackelford is an elected member of the Representative Town Meeting ("RTM"), which is the legislative body of the Town.

Education

- Harvard Law School (J.D., *magna cum laude*, 2005) Graduated first in class
- Harvard University (A.B. in History and Literature, 1999)

Clerkship

- Law Clerk to the Honorable Michael Boudin , United States Court of Appeals for the First Circuit (2005-2006)
- Law Clerk to the Honorable Stephen Breyer, United States Supreme Court (2006-2007)

Honors and Distinctions

- Named a “Super Lawyer” by New York Super Lawyer - an honor awarded to the top 5% of lawyers in New York (2019, 2020, Thomson Reuters).
- Named a “Rising Star” by New York Super Lawyers - an honor awarded to the top 2.5% of lawyers in New York under the age of 40 (2017, Thomson Reuters)
- Named a “Rising Star” by Texas Super Lawyers - an honor awarded to the top 2.5% of lawyers in Texas under the age of 40 (2010 - 2012, Thomson Reuters)
- Fay Diploma recipient, 2005 (for graduating first in class at Harvard Law School)
- Sears Prize recipient, 2003 & 2004 (earned one of the top two GPAs in the law class)
- Articles Editor, Harvard Law Review, Vol. 118

Professional Associations and Memberships

- Texas State Bar
- New York State Bar
- Virginia State Bar (not currently active in Virginia)
- Federal Bar Council American Inn of Court