

Daniel Slifkin

Arbitrator & Mediator



Daniel Slifkin serves as an arbitrator and mediator in complex commercial, securities, corporate governance, financial services, transactional and cross-border disputes. He brings more than three decades of experience trying and litigating high-stakes cases in courts nationwide and representing clients in domestic and international arbitrations.

Mr. Slifkin retired from Cravath, Swaine & Moore LLP in June 2026 after a distinguished career at the firm. He joined Cravath in 1991 from Harvard Law School, where he won the Sears Prize. He practiced at Cravath for 35 years and was Head of its Litigation Department from 2016 to 2021. His practice has encompassed securities and derivative litigation, mergers and acquisitions disputes, antitrust matters, bankruptcy proceedings, complex commercial litigation and regulatory

investigations involving the U.S. Department of Justice, the Securities and Exchange Commission and European Union authorities.

A Fellow of the American College of Trial Lawyers, Mr. Slifkin is among the relatively small group of litigators to have taken a securities fraud class action through to a jury verdict. He tried two closely watched securities cases for Vivendi, including a four-month jury trial. His clients have included Akorn, Alcoa, BAE Systems, Barclays, Brembo, Centerview, Chemical Bank, Credit Suisse, DLJ, First Solar, GSK, IBM, JPMorgan Chase, Juno, Lucent Technologies, Merck, Minerals Technologies, Morgan Stanley, Occidental Petroleum, Priceline, Robinhood, Tesla, Vivendi and the Washington Commanders.

Mr. Slifkin has also served as counsel in international arbitrations in New York, Geneva, London and Mexico City involving cross-border supply agreements, joint ventures and indemnification.

Areas of Expertise

- Securities Litigation and Securities Class Actions
- Corporate Governance, Shareholder and Derivative Disputes
- Mergers and Acquisitions and Transactional Disputes
- Banking and Financial Services Disputes
- Complex Commercial and Contract Disputes
- Domestic and International Arbitration
- Cross-Border Commercial Disputes
- Regulatory Investigations and Enforcement Matters
- Antitrust and Competition Disputes
- Bankruptcy-Related Commercial Disputes

Arbitration Experience as Counsel

Mr. Slifkin has represented clients in domestic and international arbitrations, including:

- Represented Alcoa in an arbitration in Geneva under International Chamber of Commerce rules concerning the shipment of bauxite from West Africa.
- Represented Alcoa in an arbitration with The Fairchild Corporation concerning indemnification claims. After a two-week arbitration hearing, the arbitrator ruled in Alcoa's favor, and the ruling was upheld following a challenge in federal district court.
- Represented a major American industrial company in a London arbitration under International Chamber of Commerce rules against a European customer concerning the interpretation of the parties' contracts.
- Represented a European auto parts manufacturer in an American Arbitration Association proceeding involving breach of contract and breach of fiduciary duty claims arising from a joint venture with a Mexican auto parts manufacturer.
- Represented Minerals Technologies in an arbitration brought by the bankruptcy estate of Novinda Corporation alleging fraud and breach of contract, securing a favorable decision after a three-week arbitration hearing.

Representative Matters

Securities and Derivative Litigation

- Represented current and former members of Tesla's Board of Directors in complex actions in the Delaware Court of Chancery, including:
 - Represented Elon Musk and other current and former directors in a derivative action concerning Mr. Musk's compensation package. After the Court of Chancery ordered rescission of the package, the Delaware Supreme Court reversed the rescission remedy on appeal and reinstated the package.
 - Represented Mr. Musk in defeating a \$13 billion stockholder derivative action relating to Tesla's \$2.1 billion acquisition of SolarCity Corporation. Following an 11-day trial, the court entered judgment for Mr. Musk on all counts, and the Delaware Supreme Court affirmed.
- Represented members of SunPower Corporation's Board of Directors in a stockholder derivative action in the Delaware Court of Chancery relating to the sale of SunPower's commercial and industrial business to a TotalEnergies subsidiary. The parties settled, and the litigation was dismissed with prejudice.
- Secured dismissal of putative securities class action litigation against Occidental Petroleum and certain officers and directors in New York state court relating to securities offerings conducted in connection with Occidental's \$57 billion acquisition of Anadarko Petroleum.
- Secured a favorable settlement for First Solar in a securities class action in Arizona federal court alleging misrepresentations concerning the company's financial condition, concealment of material facts and accounting violations. He also represented First Solar in a related opt-out action and derivative action.
- Represented Akorn and its executive officers in consolidated securities class action and derivative litigation in Illinois federal court. He also represented Akorn in related shareholder derivative actions and an SEC investigation.
- Represented Vivendi for more than a decade in significant securities litigation, including a long-running class action culminating in a four-month "f-cubed" securities fraud jury trial and a four-week jury trial involving securities and contract claims brought by Liberty Media.

- Represented JPMorgan Chase and related entities, including Bear Stearns and Washington Mutual, in numerous residential mortgage-backed securities actions nationwide, including the first two major RMBS investor actions to proceed through discovery and summary judgment. In one action, he secured a judgment removing bonds worth \$8 billion from the litigation.
- Represented Lucent Technologies and several directors and officers in more than 50 shareholder, ERISA, bondholder, debt security holder, derivative and state securities law actions, all of which settled on favorable terms.

Antitrust Litigation

- Represented Morgan Stanley in individual and class actions in New York federal court alleging collusion among banks to restrain competition, including:
 - In re Interest Rate Swaps Antitrust Litigation, a putative class action alleging that dealers conspired to block exchange trading of interest rate swaps, which settled.
 - Iowa Public Employees' Retirement System, et al. v. Bank of America Corporation, et al., a class action alleging that prime brokers conspired to block anonymous peer-to-peer platforms for securities lending.
 - In re Credit Default Swaps Antitrust Litigation, an action alleging a conspiracy to block exchange trading of credit default swaps, which settled. He also advised Morgan Stanley in related DOJ and European Commission inquiries that closed without action against Morgan Stanley.
- Represented Westpac Banking Corporation in the Bank Bill Swap Rate Antitrust Litigation, a class action in New York federal court alleging manipulation of the Australian Bank Bill Swap Reference Rate.

Bankruptcy Litigation

- Represented Minerals Technologies' interests in the bankruptcy estate of Novinda Corporation, including defending the company against fraud and breach of contract allegations in an arbitration brought by the estate. He secured a favorable decision after a three-week arbitration hearing.
- Represented Allied World Assurance Company in an adversary proceeding brought in New York bankruptcy court by successors to the MF Global Holdings estate seeking recovery under excess insurance policies, securing an order compelling arbitration in Bermuda.
- Represented Alcoa in an adversary proceeding brought by the trustee of Longview Aluminum LLC and secured summary judgment for Alcoa on all claims.
- Represented Lucent Technologies in an adversary proceeding brought by the Chapter 7 trustee of Winstar Communications alleging breach of agreements relating to the expansion of Winstar's global broadband network, culminating in a 21-day bench trial.

General Commercial Litigation

- Secured a favorable settlement for Yale New Haven Health in Connecticut litigation alleging that Prospect Medical Holdings breached an asset purchase agreement for three hospitals and that Yale New Haven Health was not required to close the transaction.
- Represented Forward Air Corporation in a Delaware Court of Chancery action brought by Omni Logistics seeking to compel Forward Air to complete its proposed acquisition of Omni. On the scheduled first day of trial, the parties announced a settlement amending the merger agreement on terms favorable to Forward Air and dismissing their claims.
- Represented Akorn in one of the relatively few cases involving termination rights under material adverse effect provisions in merger agreements to be tried to decision, and the first such appeal decided by the Delaware Supreme Court.

- Represented the Republic of Argentina in overturning injunctions in federal district court and in an expedited Second Circuit appeal, allowing Argentina to resolve litigation with holdout creditors and launch a record \$16.5 billion bond offering.
- Represented IBM in a breach of contract action concerning the sale of IBM's printer division to Lexmark and obtained a judgment exceeding \$55 million following a two-week bench trial.
- Represented Morgan Stanley as plaintiff in a breach of contract action against Discover Financial Services, winning summary judgment before Discover settled and paid Morgan Stanley \$775 million.

Professional Recognition

- Fellow, American College of Trial Lawyers
- Benchmark Litigation Hall of Fame, 2024
- Benchmark Litigation Top 100 Trial Lawyers in America, 2021–2026
- Benchmark Litigation National Star, General Commercial Litigation, 2011 and 2021–2026
- Benchmark Litigation National Star, Securities Litigation, 2014–2026
- Benchmark Litigation Litigation Star, New York, 2014–2026
- Chambers USA, Securities Litigation, New York, 2013–2026; National, 2015–2017
- The Legal 500 US, Leading Trial Lawyer, 2021–2026; recognized for securities litigation, financial services litigation, antitrust, commercial litigation and white-collar criminal defense
- Lawdragon Legend, 500 Leading Lawyers in America; repeatedly selected to the 500 Leading Lawyers in America, 500 Leading Litigators in America and 500 Leading Global Litigators
- The American Lawyer, Litigator of the Week, three times
- New York Law Journal, Distinguished Leader, 2018
- The Best Lawyers in America, including recognition in commercial litigation, antitrust litigation, banking and finance litigation, securities litigation and international commercial arbitration

Education

- Harvard Law School, J.D., magna cum laude, 1991 — Editor, Harvard Law Review; Sears Prize
- University of Oxford, B.C.L., first class honors, 1988
- University of Oxford, B.A., first class honors, 1987

Admissions

- New York