



Jose

Jose A. Fernandez
Partner

jfernandez@thompsoncoburn.com

New York
D - (212) 478-7244

MY SERVICES

Business Litigation
Fiduciary Litigation

EDUCATION

Fordham University School of Law, J.D., 2014
Fordham International Law Journal Associate Editor
Florida International University, B.A., *cum laude*, 2011

ADMISSIONS

New York
New Jersey
Florida
U.S. District Court Southern District New York
U.S. District Court Eastern District New York
U.S. District Court New Jersey

I enjoy and excel at the competitive and strategic aspects of litigation: crafting a game plan, finding holes in the opposition's arguments, and marshaling intricate factual and legal issues to gain every advantage.

overview

Jose Fernandez represents institutions and individuals in high-stakes commercial disputes and investigations in a variety of industries. He has extensive experience representing clients in complex commercial cases, bankruptcy-related litigation, lender liability disputes, enforcement of credit facilities, loan workouts, judgment enforcement, and corporate governance matters.

Jose has successfully managed disputes in trial and appellate courts throughout the country. Comfortable with high-pressure cases, he provides strategic and methodical advice throughout all stages of litigation. He routinely advises national banking institutions, hedge funds, and privately held companies on a range of matters involving fraud, lender liability, collateral enforcement, corporate governance and fiduciary duties.

Jose clerked for the Honorable Eileen Bransten in the Commercial Division of New York State Supreme Court, New York County, and for the Honorable Claire C. Cecchi, United States District Judge for the District of New Jersey.

experience

- Successfully represented mezzanine lender in enforcement of dual collateral commercial real estate facility and, in a case of first impression, obtained complete dismissal of borrower's claims that the pledge structure "clogged" the borrower's equity of redemption.
- Represented privately held company and directors in corporate governance and breach of fiduciary duty disputes with minority shareholders, defeating multiple attempts by minority owners to entrench their positions on the company's board.
- Represented senior lenders and international participants in lender-liability matters concerning construction loans secured by Manhattan high-rise condo building, and in related intercreditor dispute between senior and mezzanine lenders.

- Prosecuted judicial foreclosures, UCC Article 9 sales, and advised on loan workouts regarding commercial real estate and personal property including artwork, illiquid securities, and luxury vessels.
- Prosecuted fraudulent conveyance claims and judgment enforcement matters in multiple jurisdictions.
- Represented charitable trusts sued by bankruptcy trustee for allegedly participating in fraudulent scheme and receiving fraudulent transfers. Obtained dismissal of all but “subsequent transferee”-related claims, reducing potential exposure and resulting in a favorable settlement.

languages

- Spanish (native proficiency)

in my free time

I enjoy traveling to national parks, skiing, running, and playing chess.