

Malcolm Seymour

Principal

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Malcolm Seymour is a trusted counselor, negotiator and litigator with a dual practice focused on political and election law, and project-centered commercial disputes.

Political and Election Law

Bernie Sanders Presidential Campaign

Malcolm is a member of the team representing Bernie 2020, the presidential campaign vehicle of Senator Bernie Sanders. Malcolm was also a key member of the litigation team for Bernie 2016. Malcolm was a core strategist, drafter and negotiator in Bernie 2016's lawsuit against the Democratic National Committee, challenging suspension of the campaign's access to a party voter database. He advised the campaign on parliamentary procedure and drafted resolutions for the 2016 Democratic National Convention.

Voting Rights Act and Campaign Finance Laws

He has helped spearhead lawsuits against election laws in Ohio and Arizona under the Voting Rights Act and Fourteenth Amendment. He has represented campaigns in connection with challenges to political communications and advertisements, mass communications to prospective voters, enforcement of limits on individual contributions, and receipt of in-kind contributions, including volunteer labor. In addition to representing political committees, Malcolm provides outside general counsel services to grassroots organizing groups,

Services

Litigation
Alternative Dispute Resolution
Election and Political Law, Public Policy & Lobbying
Environment & Natural Resources
Environmental Litigation
Financial Services

Admissions

New York, 2007
U.S. District Court, Eastern District of New York
U.S. District Court, Southern District of New York
U.S. Court of Appeals for the 2nd Circuit
U.S. Court of Appeals for the 9th Circuit
U.S. Court of Appeals for the 11th Circuit
U.S. Court of Appeals, D.C. Circuit
U.S. Supreme Court

including Our Revolution, a § 501(c)(4) entity formed to continue the progressive movement catalyzed by Senator Sanders' 2016 presidential bid.

Malcolm has worked on impact litigation aimed at rehabilitating federal campaign finance laws and improving electoral transparency, including: litigation seeking to overturn a D.C. Circuit decision, issued in the shadow of Citizens United, that removed limits on individual contributions to SuperPACs; and defense of anticipated challenges to an electoral ordinance enacted by the City of St. Petersburg, limiting individual contributions to independent expenditure committees and preventing interference by foreign-influenced PACs in city elections.

Commercial Litigation and Project-Based Disputes

As a commercial litigator, Malcolm combines technical knowledge with an understanding of project methodologies and their pitfalls, helping engineers, contractors, project owners and developers diagnose the causes of project delays, overruns and failures. By disentangling these technical problems, he is able to bring timely and cost-effective closure to challenging cases. With specific expertise in the renewable energy sector, he assists lenders, contractors, engineers and owners through the problems that commonly arise on bespoke engineering and construction projects: change orders; equitable adjustments; liquidated damages; loan workouts; and last-resort litigation. Malcolm harnesses his legal background in the financial services sector to guide these clients through disputes that arise out of project financing agreements.

Financial Services

Malcolm continues to work closely with his financial services clients. He has contributed key strategies to shareholder disputes involving prominent global investment banks. He regularly represents broker-dealers and bankers in intra-industry disputes, including claims for compensation, and licensure or delicensure proceedings. Malcolm has helped broker-dealer clients mount successful challenges to investigations, enforcement actions and suspension proceedings brought by state agencies.

In a hub of global commerce, Malcolm often works with overseas clients involved in United States lawsuits, and is well versed in the mechanics of international litigation and arbitration – from serving process and taking discovery abroad, to the application of foreign law in U.S. courts, to the domestic enforcement of foreign money judgments and arbitral awards. He is a frequent appellate litigator across several federal circuits, and has represented *amicus curiae* before the United States Supreme Court.

Pro Bono

Malcolm is an active member of the firm's Public Service Committee, which incubates and sponsors pro bono and community service projects for staff and attorneys. Malcolm serves as the outside legal advisor to Global Minimum, Inc., a 501(c)(3) organization that helps high school students in Sierra Leone, Kenya and South Africa develop leadership, critical thinking

and problem-solving skills to tackle challenges facing their local communities. At the Yale Law School, Malcolm was Editor-in-Chief of the *Yale Human Rights and Development Law Journal* and Director of the Lowenstein Human Rights Project. As a student, he participated in several newsworthy cases involving extraordinary rendition and indigenous land rights.

Education

J.D., Yale Law School, 2004

B.A., State University of New York at Buffalo (*summa cum laude*), Political Science, 2000

Experience

Drafted Supreme Court amicus curiae brief on behalf of foreign sovereign

Drafted Supreme Court *amicus curiae* brief on behalf of foreign sovereign, urging application of bilateral and multilateral treaty mechanisms to claims arising out of cross-border pollution.

Represented owner of a renewable biomass energy facility in securing and maintaining indemnification

Represented owner of a renewable biomass energy facility in securing and maintaining indemnification against general contractor's arbitration claims, saving project owner more than \$10 million in damages and defense costs.

Defended controlling member of a renewable energy project against governance claims

Defended controlling member of a renewable energy project against governance claims brought by hostile minority member.

Represented strategic investor and engineer in litigation against owner of geothermal energy facility

Represented strategic investor and engineer in litigation against owner of geothermal energy facility that failed and filed for Chapter 7 during project development.

Defended foreign technology company, its holding company and its primary owner against multiple lawsuits

Successfully defended foreign technology company, its holding company and its primary owner against multiple lawsuits to enforce a \$60 million foreign arbitral award, foreign judgment and guarantees against company, holding company, owner and affiliates.

Defended broker-dealer against claim for commissions

Successfully defended broker-dealer against claim for commissions brought by former employee.

Obtained dismissal of successive state and federal lawsuits against private equity fund's newly acquired mining company

Obtained dismissal of successive state and federal lawsuits against private equity fund's newly acquired mining company, by advisor that had rendered services to company's pre-foreclosure owners and managers.

Represented presidential campaign in litigation against party's governing body

Represented presidential campaign in litigation against party's governing body, requesting fair and equitable treatment under contract administering voter file database.

Represented group of 17-year-old voters, who would be 18 at the time of the general election

Represented group of 17-year-old voters, who would be 18 at the time of the general election, in lawsuit to enjoin repeal of their right to vote in related primary contests.

Helped a 501(c)(3) organization defend its service mark

Helped a 501(c)(3) organization defend its service mark against infringement by a large New York City restaurant conglomerate. Facilitated a pre-answer settlement terminating the infringement and recovering payment to the client.

Defended an international custom software developer against litigation brought by a disgruntled New York customer

Defended an international custom software developer against litigation brought by a disgruntled New York customer, seeking damages of nearly \$2 million. By pinpointing critical path delays and scope of work enlargements caused by the customer, forced a settlement resulting in a payment by the customer to the developer.

Supported a marine construction contractor in negotiating an equitable adjustment claim with a state department of transportation

Successfully supported a marine construction contractor in negotiating an equitable adjustment claim with a state department of transportation, resulting in recovery of nearly \$1 million of costs incurred because of agency-caused delays.

Defended NYSE-listed borrower against loan acceleration litigation brought by global investment bank

Defended NYSE-listed borrower against loan acceleration litigation brought by global investment bank, successfully avoiding foreclosure on client's billion-dollar interest in unexplored natural gas reserves in Papua New Guinea.

News

Foster Garvey Joins Free Speech For People in Supreme Court Petition to End Super PAC Spending in U.S. Elections

Foster Garvey Newsroom, 6.18.20

Malcolm Seymour Quoted in *The Hill* About Reinstating Candidates to the New York Primary Ballot

The Hill, 5.6.20

Foster Garvey Celebrates 25 Years as Pro Bono Challenge® Charter Signatory Firm; Continues Tradition of Pro Bono

Foster Garvey Newsroom, 2.6.20

Working to Reform Campaign Finance Systems

Foster Garvey Newsroom, 19

Free Speech for People and Legal Team of Foster Garvey Lawyers and Contributors Spearhead Potentially Transformative Campaign Finance Litigation

Foster Garvey Newsroom, 5.17.19

Legal Alerts

Washington State COVID-19 Benefits FAQs

3.18.20

Publications

Foster Garvey COVID-19 Resource Center

3.18.20

Can SafeHer, a Women-For-Women Ridesharing Company, Overcome the Challenges of Anti-Discrimination Laws?

Garvey Schubert Barer, Duff on Hospitality Law Blog, 5.6.16

Supreme Court to Decide Important Issue In Class-Action Litigation

Westlaw Journal Environmental, 6.10.14

Dram Shop Laws: What You Need to Know

Duff on Hospitality Law Blog, 4.10.13