



# Hon. Nelson E. Canter

## Partner

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Hon. Nelson E. Canter provides complex civil litigation services to the business community and insurance industry with a concentration on property subrogation for domestic and foreign insurance carriers nationally. Judge Canter was elected to a 4-year term as Town Justice for The Town of Harrison, NY from 2012 through 2015 and upon joining the firm in 2017, spearheaded and manages the firm's national Insurance Subrogation Group. Judge Canter has been Deputy Town Attorney, a part-time post, for the Town of Harrison, New York from 2016 to the present and handles and oversees all civil litigation and risk management for the Town of Harrison.

Judge Canter litigates large loss property subrogation and product liability cases throughout the United States and has led hundreds of complex origin and cause investigations involving fires and explosions, construction defects, building collapses, crane malfunctions, heavy equipment failures, energy losses, turbine failures, fire suppression system failures, water related losses, and a wide range of complex commercial disputes.

Judge Canter also engages in appellate practice and has numerous reported Decisions. He also provides outside general counsel services to corporations, manufacturers, suppliers and distributors for national litigation coordination, risk management, commercial litigation, transactional advice, employment issues and intellectual property enforcement.

Judge Canter began his career in law enforcement as an Assistant District Attorney for the County of Westchester, New York in 1987, where he tried over 75 cases to verdict, coordinated extensive under-cover narcotics investigations and presented over 150 cases to Westchester County Grand Juries.

In 1992, Judge Canter entered private practice and joined the late former Assistant United States Attorney William I. Aronwald in various high-profile criminal defense matters including *People v. Carolyn Warmus*, which the press dubbed the “fatal attraction murder trial.”

Judge Canter has been a First Responder as a volunteer firefighter for over 40 years. He is a Life Member of the Purchase Fire Department in New York, joining as a junior firefighter at age 16, and rose through the line officer ranks of Lieutenant, Captain and Assistant Chief. He is currently on the Board of Directors and served on the Board of Directors for over 25 years.

Judge Canter is a Guest Instructor for the Expert Witness Courtroom Testimony Course for the International Association of Arson Investigators, a Guest Speaker at many national conferences for the Property Loss Research Bureau and National Association of Subrogation Professionals and lectures frequently to general and independent property adjusters and experts.

Judge Canter is the New York State Delegate for the International Association of Arson Investigators’ Attorney Advisory Committee, was appointed by Governor George Pataki for a 2-year term to the Management Advisory Board of Metropolitan Transportation Authority’s Office of Inspector General, and was appointed in 2014 to the Executive Board of the Westchester County Arson Task Force.

Judge Canter’s passion and deep experience in public service as a Prosecutor, Judge, Deputy Town Attorney and First Responder, coupled with his extensive litigation background, enable him to communicate effectively and persuasively to achieve consistent, favorable results for our clients.

## Education

- Seton Hall University School of Law (J.D. 1987)
- American University (B.A. 1983)
- University of London - School of Economics, 1982

## Birthplace

- White Plains, N.Y.

## Bar Admissions

- Connecticut State Bar: 2013
- New York State Bar: 1988
- New Jersey State Bar: 1987
- United States Supreme Court (1995)
- United States Court of Appeals:
  - Second Circuit (1998)
  - Fifth Circuit (1997 - Inactive Status)
- United States District Court:
  - District of Vermont (2018)
  - Western District of Wisconsin (2014)
  - Eastern District of Wisconsin (2012)
  - Northern District of New York (2010)
  - Western District of New York (2013)
  - Western District of Michigan (1994)
  - District of Connecticut (1993)
  - Eastern District of New York (1992)
  - Southern District of New York (1988)
  - District of New Jersey (1987)

## Memberships

- International Association of Arson Investigators (IAAI) – N.Y. State Delegate to the Attorney Advisory Committee
- Purchase Fire Department - Life Member, Director and former Captain and Assistant Chief
- Westchester County Arson Task Force - Executive Board Member
- Westchester County Association of Fire Marshals & Inspectors - Legal Advisor.
- Ranaqua Foundation - Life Member
- Shihou-Ken Karate: 3rd degree Black Belt/Instructor

## Speaking Engagements

The following are some of Mr. Canter's speaking engagements:

Keynote Speaker, The New York Independent Adjusters Association, “Preparing the Claims Adjuster to Testify,” Spring Seminar, The Down Town Association, New York, NY, May 11, 2017.

Industry Spotlight Series, “Eliminating Waivers of Subrogation,” Property Loss Research Bureau National Claims Conference, Boston, MA, March 28, 2017.

“A First Responders Perspective on Investigating and Subrogating Fire and Explosion Losses,” Westchester County Fire Investigators Association, Westchester County Fire Training Center, Valhalla, New York, June 9, 2016.

“2014 Mock Trial - Plaintiff's Counsel,” Property Loss Research Bureau National Claims Conference, Indianapolis, IN, March 16-19, 2014.

“Expert Witness Courtroom Testimony Course,” Guest Attorney for the International Association of Arson Investigators, Albany, New York, March 10, 2012.

“Litigating Product Liability Claims - Mutual Marine Seminar Series,” NYMAGIC, Inc. Headquarters, New York City, September 22, 2009.

“Expert Witness Courtroom Testimony Course,” Guest Attorney for the International Association of Arson Investigator's in Troy, New York, October 20, 2007.

“Evaluating Subrogation Potential on Explosion Claims,” Annual Conference of the Property Loss Research Bureau, Orlando, FL, March 19, 2007.

“Handling Explosion Claims,” Annual Conference of the National Association of Subrogation Professionals, Orlando, FL, November 13, 2006.

“Different Perspectives on Construction Defect Claims in New York,” New York City, April 11, 2006.

“Construction Defect Claims in New York State,” White Plains, N.Y., February 21, 2006.

“Investigation of the Case and Use of Experts,” Trial Lawyers Section of the New York State Bar Association, New York City, May 24, 2005.

“Explosions - the Subrogation Concept,” Annual Conference of the Property Loss Research Bureau, San Antonio, TX, April 20, 2005.

“Subrogating Explosion Losses,” Annual Conference of the National Association of Subrogation Professionals, Atlanta, GA, November 8, 2004.

## Reported Cases

- Amateur Hockey Ass'n of the U.S. v. Whitman and Ransom and Donald Parson, 664 N.Y. S.2d 919, (1<sup>st</sup> Dept. 1997)
- American Casualty Company of Reading, Pa. v. Motivated Security, \_AD3d\_ (1<sup>st</sup> Dept. 2017)
- Amedeo Hotels Ltd. Partnership v. Zwicker Elec. Co., Inc., 739 N.Y. S.2d 10, (1<sup>st</sup> Dept. 2002)
- BanxCorp. v. Apax Partners LP. et al (D.NJ. 2010)
- BanxCorp. v. Costro and Capital One (S.D.N.Y. 2010)
- BanxCorp. v. Lending Tree, Dow Jones & Company, The New York Times Company, CNBC, Inc., Cable News Network, Inc., MSNBC Interactive News, LLC, Fox News Network, LLC, AOL Inc., and Move, Inc. (D.NJ. 2009)
- BanxCorp. v. Bankrate (D.NJ. 2009)
- Borden Chemical, Inc v. Growth Products, Inc., 815 N.Y. S.2d 29, (1<sup>st</sup> Dept. 2006)
- Fireman's Fund Ins. Co. v. Village of Lake Success, 822 N.Y. S.2d 731, (2d Dept. 2006)
- Fireman's Fund a/s/o Marek v. County of Nassau, 66 A.D.3d 823, (2d Dept. 2009)
- First Care Medical Clinic, Inc. v. Polymedco, Inc., 2006 WL 3497845, (W.D.N.C. 2006)
- Goldstein v. Carnet'. Associates, Inc., 74 A.D.3d 745 (2d Dept. 2010)
- Jackson & Wheeler, Inc v. Village of Pleasantville et al, 56 A.D.2d 723 (2d Dept. 2009)
- Matera v. Mystic Transp., Inc. et al , 764 N.Y.S.2d 458, (2d Dept. 2003)
- Matter of Hockley v. Westchester County Board of Elections et al, 66 A.D.3d 898 (2d Dept. 2009); lv den. by Ct of Appeals (October 29, 2009)
- New York City Transit Authority v. Consolidated Edison Co. of New York, Inc, 834 N.Y.S.2d 192, (1st Dept. 2007)
- New York Methodist Hospital v. Carrier Corporation, AD3d (2009)

# Fire Training and Certifications

Mr. Canter has extensive Fire Training and Certifications:

- Arson Awareness and Fire Behavior
- Origin and Cause Determination
- Confined Space Awareness and Safety
- Emergency Vehicle Operation
- Emergency Response to Terrorism
- (U.S. Dept. of Justice)
- CPR/AED
- Incident Command System
- Radio Operations and Procedures
- S.C.B.A.
- S.C.U.B.A.
- Ladder Operations
- Pump Operations

## Practice Areas

- Insurance Subrogation
- Alternative Dispute Resolution
- Entertainment and Sports
- Professional Liability
- White Collar Defense and Investigations
- Litigation