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## Shapiro Arato Bach's Dynamite Trio: A Head-Turning Alternative to Big Law



*Alexandra Shapiro, Cynthia Arato and Jonathan Bach*

*By Emily Jackoway*

Together, an appellate lawyer, a criminal defense attorney and an entertainment and IP lawyer create a uniquely comprehensive perspective for a boutique firm. With that deep bench, Shapiro Arato Bach's litigation experts, all former Big Law titans, rival larger firms' heft.

In the last few years, the firm has been growing – but staying cutting-edge. The growth is dynamic, adding experience and new practice areas without sacrificing the firm's boutique nimbleness or collaborative nature. "In terms of other boutiques in our space, there's nothing quite like our firm," says founding partner Alexandra Shapiro. "We run a wide gamut in terms of civil and criminal litigation."

Originally classmates at Columbia Law, Shapiro and partner Cynthia Arato started their New York-based firm in 2009. They came together bearing pedigrees from Latham & Watkins and

Gibson Dunn along with the skill, tenacity and vision to make it on their own. Shapiro, one of Justice Ruth Bader Ginsberg's first clerks on the Supreme Court, heads up the firm's appellate practice; she represents individuals and institutions in criminal and regulatory matters, as well as complex civil litigation. Not to mention, she's the recent author of a novel, "Presumed Guilty" – borne out of a true appellate lawyer's passion for demonstrating how the justice system does not always uphold the truth.

The desire for more opportunities in appellate work is part of why Shapiro wanted to start a new firm; in doing so, she has created a niche in the market. "I think our appellate practice is unique in New York, not just for boutiques, but even at large firms," she says. "There aren't very many law firms that specialize in appellate work. That tends to be mainly done by firms in D.C."

It's Arato, meanwhile, whose expertise lies in big-name intellectual property, entertainment and contract law cases. She has represented both artists and major corporations in copyright, defamation, trademark, fraud cases and more. A prominent thought leader in the ever-changing practice, she recently co-authored a [White Paper](#) on behalf of the News/Media Alliance detailing the concerning ways in which generative artificial intelligence models copy expressive works, like news articles.

In the years since we [first spoke with](#) the pair about their venture, the firm has expanded: Significantly, former head of Cooley's New York practice, Jonathan Bach, joined the firm in 2019. Bach – who also happens to be Shapiro's husband – has brought his decades of experience in white-collar criminal defense and complex business litigation to the firm. A leader in his field and a known trial ace, Bach is a past president and current board member of the New York Council of Defense Lawyers. On the criminal side, he has successfully defended individuals and entities in a range of investigations and prosecutions; on the civil side, he has handled securities, contract, employment and trade secrets cases.

With his reputation for trial experience, Arato says, Bach's entrance "really helped establish us as a go-to litigation firm that will go the distance, with a deeper bench of lawyers who have experience in complex commercial litigation and high-stakes disputes."

"I joined because I had watched the firm grow over a decade and I was jealous of the great work they were getting and the opportunities they had," says Bach. He adds that the transition from Big Law to the specialized boutique firm has been even more seamless than he expected: "We get the same kinds of opportunities big firms get to have – bet-the-company cases, and the opportunity to appear in courts across the country, including in a number of very widely watched and high-profile matters," says Bach. "It's just nice to be able to do that in this setting."

## IN THE HEADLINES

The attorneys' expertise across a range of practice areas unique for a boutique firm ensures those high-profile matters have been plentiful. Arato's IP and entertainment practice, for instance, has a star-studded roster. Recently, she successfully represented the touring company for Grammy award-winning artist Lizzo in a Covid-related breach of contract case. Early

pandemic closures affected everyone, and when a music festival Lizzo was headlining was canceled in 2020, the festival claimed that the artists were obligated to return their fees. Twenty depositions and a summary judgment win later, Arato puts it simply: “The Lizzo case was hard-fought,” she says. “The ruling was very gratifying.”

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Her work in the music industry doesn’t stop there. Before the Lizzo case, Arato represented Cash Money Records and UMG Recordings in a fair use copyright litigation. The labels were sued along with recording artist Drake over his sampling of jazz musician Jimmy Smith’s spoken word piece “Jimmy Smith Rap” in Drake’s song “Pound Cake / Paris Morton Music 2.” Arato represented the labels in district court and in the 2nd Circuit where, in a rare win for musicians in sampling-based infringement cases use, the court ruled in favor of Arato’s clients, asserting that the song’s adaptation for a new artistic purpose constituted fair use.

Currently, Arato is representing TV show “P-Valley” showrunner Katori Hall in a pending copyright infringement matter.

Arato isn’t the only one whose cases center around pop culture touchstones. Currently, Bach is representing a rare book dealer who is one of several defendants in a criminal case surrounding the alleged theft of original handwritten notes for the lyrics to The Eagles’ song “Hotel California.” After Bach’s client and others arranged to sell the lyric sheets, they were met with several charges including attempted criminal possession of stolen property. Bach and the other defendants’ lawyers filed motions to dismiss and have argued that the lyrics were not stolen to begin with.

In another hot-button matter, Shapiro recently represented two Syracuse developers on corruption claims related to the New York economic development program known as “Buffalo Billion.” The executives at COR Development were accused of rigging the selection process to choose which developers could bid for projects in Syracuse. The two men, along with two other defendants, were originally convicted of fraud under the “right to control” precept. But, in May of 2023, the Supreme Court ruled in Shapiro’s clients’ favor and overturned their convictions, limiting the scope of the government’s ability to bring fraud charges on the “right to control” theory moving forward. Shapiro also won another victory in a related case also decided by the Supreme Court in May, which overturned one developer’s conviction for so-called “honest service fraud” and limited the government’s ability to bring corruption charges for paying former public officials to use their influence to lobby the government.

## WHAT’S SHIFTING

The court has narrowed the scope of fraud laws in the last decade, leading to some high-profile convictions being overturned in recent years. For appellate lawyers like Shapiro, that means

cases like the Buffalo Billions appeal, or a recent victory in the 2nd Circuit involving securities trading based on so-called “political intelligence” (predictions about what a government agency might decide) are a major trend in her practice. “The most significant cases that I've worked on in the last 10 years have involved big questions about the scope of federal criminal statutes,” she says.

Now, Shapiro says, she is curious to see where the changes in scope will lead: “I think the victories we've had have raised interesting questions for what comes next and how prosecutors may try to push the fraud laws in the future,” she says. Currently, she is representing an individual who worked for NFT trading website OpenSea. Her client was charged with wire fraud for trading NFTs featured on the company's website – but, she says, “that appeal is going to raise some interesting questions about whether, in fact, the wire fraud statute can be applied in that context.” She adds that the SEC's recent aggressive stance on crypto and other digital assets will be another facet to the trend: “There are a variety of interesting and novel legal questions about whether the SEC has authority to bring some of those cases, and I expect we're going to see more challenges of that as well,” she explains.

The firm's scope means they have their finger on the pulse of trends across the legal industry. Bach adds that trade secrets cases are also surging; attorneys are litigating those cases across the country. “Laws about employee non-competition agreements are going out of existence,” Bach explains. “Employees are allowed to move companies. So, claims that you would formerly think were ripe for an employment lawyer are now being recast in terms of trade secrets.”

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AI, meanwhile, is the major trend in Arato's practice. “I think it's going to grow in all areas of the law – not just copyright, but privacy and competition,” she says. “It's a trend we see both in the litigation challenges to the models that fuel AI, but also with how law firms are struggling with the best ways to incorporate AI into their practices.”

## WORKING TOGETHER

As a 14-lawyer firm, the practice is all about the people. Shapiro and Arato's duo becoming a trio wasn't an expected move – but it's one all three attorneys are grateful for. “Both Alexandra and Jonathan share this ability to just get things done,” Arato says. “The number of things they are able to get done in a very quick, efficient, focused way is really impressive.”

Bach, meanwhile, credits the firm's leadership to Arato and Shapiro: “I just walked in, but they really continue to make the key decisions and run the place. I'm just delighted that I get to participate. They're both really good at handling the firm, at creating a culture and environment that younger lawyers want to be practicing in.” Shapiro adds that much of the day-to-day management focus lies with Arato, who she credits as keeping the firm running from the outset.

Following Bach's addition, the firm continues to expand; the partners just leased a new, larger office space in Manhattan. But, despite a larger firm and unique specialties, the attorneys are intent on remaining as collegial and collaborative as ever. "We are all extraordinarily busy with our own practices, but that does not get in the way of collaborating at our firm," says Bach. "We rope each other in all the time."

That includes the associates; notably, two former associates have grown into the partnership rank, which Arato says has helped the firm flourish. "I think the reason why the partnership works so well and we're all really happy here is that we trust each other's judgment and legal skills," adds Arato. The trait that unites everyone in the firm? "People who really like being litigators," she says.

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"It's marvelous to see all of these lawyers getting to do all kinds of incredible things," Bach says. In just the last few months, two firm associates have argued in front of the 2nd Circuit. "They're not just taking depositions, but they're really getting sucked into all areas of responsibility," he adds. "It's a lot of fun to see them do it and to see them do it so well."

"We look for people who really want to take ownership of what they're working on," Arato says. "That way they get to do a lot more on matters than lawyers at larger firms maybe do. That helps us; it helps them. It gives a lot more value to the clients."

The key trait that unites new associates at the firm is intellectual curiosity and the drive to work on many kinds of matters. "I think we have lawyers here who really like being litigators, so we have people here who really enjoy what they do," Arato says. "There's just a level of job satisfaction here that I think you don't see across big firms."

In the last few years, the focus on the full team has allowed the firm to build a reputation that extends past the partners' earlier Big Law work; they've created a new stamp in the industry. "It's not just about us," says Bach. "The firm is taking on a life of its own with good people."

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