



# Nicholas A. Duston

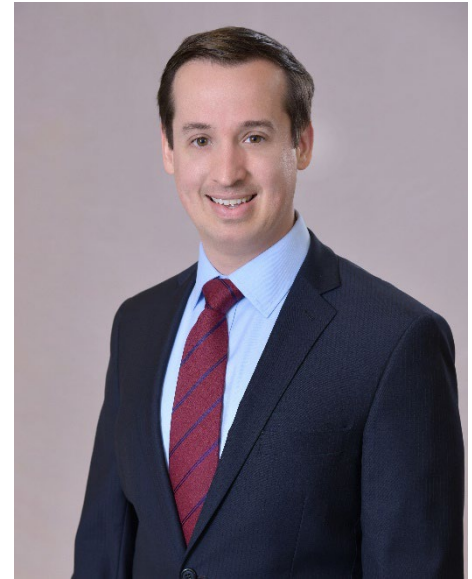
## Member | New Jersey

Nicholas A. Duston focuses on complex commercial litigation and arbitration in the state and federal courts of New Jersey and New York and is also often engaged to appear *pro hac vice* throughout the country. His practice primarily involves disputes among business owners, their managers, and their employees, or complex creditor's rights issues. Nick has extensive experience litigating fraud, breaches of fiduciary duty, and regularly handles cases with related issues such as employee theft of trade secrets, diversion of corporate opportunities, or breaches of restrictive covenants or non-compete obligations. He is adept at untangling complex fact patterns such as those arising from complicated financial instruments, complex multi-entity business structures, or large amounts of electronically stored information (ESI).

Nick also conducts internal investigations relating to alleged securities fraud, money laundering, and other financial crimes. He has handled many matters at the intersection of white-collar and civil litigation, successfully litigating Racketeer Influenced and Corrupt Organizations (RICO) Act claims as both defense counsel and plaintiff's counsel. He also regularly handles issues relating to government seizure of property on behalf of secured lenders including defense against civil and criminal asset forfeiture and creditors' civil rights litigation under 42 U.S.C. § 1983 relating to government violations of due process or other constitutionally protected rights in the seizure of his clients' property or collateral.

Nick recognizes above all that when a client seeks his help, it is because something has gone wrong often in a complicated and completely unforeseen way. That client needs more than an experienced litigator to "win." They need an attorney who understands their goals and can provide expert guidance. Every dispute has a spectrum of solutions, from an efficient and pragmatic deal to an all-out, knock-down fight through trial and beyond, and everything in between. Some clients focus exclusively on monetary cost and gain; others seek to avoid repeat litigation, want to make an impact on the law, or have other broad, non-monetary agendas. Nick handles each dispute as the situation warrants while remaining laser-focused on his client's goals (which are almost always more nuanced than "win" or "settle") to help the client make informed decisions about each possible path to resolution.

Prior to joining Norris McLaughlin, P.A. Nick was a commercial litigation associate in the white-collar investigation and employment litigation practice group at an AM Law 100 law firm in New York City. At Columbia University School of Law, he was a Harlan Fiske Stone Scholar, a member of the Columbia Journal of European Law, and in the Non-Profit Organizations/ Small Business Clinic.



### CONTACT

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### CONNECT

- EDUCATION**
- Columbia University School of Law
    - J.D.
  - Boston University
    - B.A., *magna cum laude*

- BAR ADMISSIONS**
- New Jersey
  - New York
  - U.S. District Court
    - Eastern District of New York
    - Southern District of New York
    - District of New Jersey
  - U.S. Court of Appeals
    - Second Circuit
    - Third Circuit

- PROFESSIONAL AFFILIATIONS**
- American Bar Association
  - New York State Bar Association
  - Adult Day Center of Somerset County
    - Board of Trustees

- AREAS OF PRACTICE**
- Bankruptcy, Creditors' Rights and Financial Restructuring
  - Executive Compensation, Employment, ERISA, and Employment Benefits
  - Litigation
  - Securities
  - White Collar Investigations & Defense