

Counsel, New York

Litigation



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Education

J.D., Seton Hall University
School of Law, 1978

A.B., Brown University, 1975
(*magna cum laude*)

Bar Admissions

New Jersey
New York

Government Service

Member, Banking Advisory Board of
the New Jersey Department of Banking
and Insurance (2002-present)

Commissioner, New Jersey Public
Employment Relations Commission
(1999-2002)

Staff Attorney, New Jersey
Administrative Office of the Courts
(1979-1980)

Experience

Law Clerk to the Hon. Joseph Halpern,
Presiding Judge, Superior Court of New
Jersey, Appellate Division (1978-1979)

Andrew Muscato's litigation practice focuses on insurance, commercial and banking law. He handles corporate and commercial matters at both the trial and appellate level in federal and state courts, administrative law courts and before alternative dispute resolution tribunals. He is a member of the American Arbitration Association (NJ) Commercial Arbitration Advisory Council. Before joining Skadden, Arps, Mr. Muscato was the New Jersey litigation partner for Whitman, Breed, Abbott & Morgan, LLP.

Mr. Muscato represents insurance companies in matters pertaining to individual and group life, health, disability, annuity and investment products, and insurance company investments. He has handled a wide variety of contested insurance-related matters, including sales practices litigation, claims defense, agent disputes and reinsurance disputes.

Another area of Mr. Muscato's practice involves contracts and business litigation. He has handled claims involving fraud, restrictive covenants, and unfair competition and other business torts; disputes involving commercial real estate transactions, including leases and brokerage commissions; and disputes involving the Uniform Commercial Code.

His experience with litigation relating to banking and lending transactions includes representation of parties in disputes relating to negotiable instruments and the enforcement of loan documents and security interests.

Mr. Muscato has authored several articles on commercial litigation and ADR and has lectured in the United States and abroad.

Publications

"Lawyer's Bookshelf: 'Judging Under Certainty: An Institutional Theory of Legal Interpretation,'" *New York Law Journal*, April 15, 2008;

"The Preliminary Injunction in Business Litigation," *NYU Journal of Law & Business*, Spring 2007;

"Lawyer's Bookshelf: 'The First Amendment in Cross-Cultural Perspective,'" *New York Law Journal*, March 23, 2007;

"Lawyer's Bookshelf: In Human Bondage: The Rise and Fall of Slavery in the New World," *New York Law Journal*, June 7, 2006

"Oliver Wendell Holmes, Jr.," *New York Law Journal*, March 8, 2006;

"Lawyer's Bookshelf: 'Team of Rivals: The Political Genius of Abraham Lincoln,'" *New York Law Journal*, December 27, 2005;

"A History of American Law: Third Edition," *New York Law Journal*, September 9, 2005;

"Alternative Dispute Resolution," *Metropolitan Corporate Counsel*, December 1996;

"A History of Punitive Damages," *Metropolitan Corporate Counsel*, October 1996;

"*BMW v. Gore*," *Metropolitan Corporate Counsel*, August 1996; and

"Executing on a Tenancy by the Entirety," *New Jersey Lawyer*, August 1986.

Associations

Member, Litigation Section, American Bar Association; New Jersey Trial Lawyers Association; Essex County Bar Association