Cooley

Albert W. Kwan

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Palo Alto

Commercial Litigation
Securities Litigation + Enforcement
Class Action Litigation
International Arbitration
White Collar Defense and Investigations
Pro Bono

Albert represents clients in a broad array of high-stakes civil litigation and arbitration matters, with a focus on complex commercial disputes and securities. He has experience representing both plaintiffs and defendants at all phases of litigation, and has successfully argued motions in litigation matters, including a motion to dismiss and an order to show cause. In addition to his litigation practice, Albert has also advised clients in investigations by government agencies, such as the Department of Justice (DOJ), the US Securities and Exchange Commission (SEC) and the US Commodity Futures Trading Commission (CFTC).

Albert's recent representations include:

Complex commercial disputes and arbitration

- A German multinational automotive manufacturer in successfully obtaining dismissal from a lawsuit in connection with the launch of a new product line by a US affiliate*
- A Swiss affiliate of a global private financial investment company in obtaining a rare early summary judgment win in a case concerning breaches of a pharmaceutical collaboration and license agreement, culminating in an eight-figure settlement*
- An ultra-high-net-worth co-founder in a confidential AAA arbitration alleging breach of contract and breach of fiduciary duties, successfully obtaining dismissal of all claims*

Securities

- A US global investment bank in obtaining a major victory from the US Court of Appeals for the Second Circuit in a $13 billion securities case, with the court reversing class certification after 13 years of litigation and establishing important guardrails to the "inflation-maintenance" theory of securities fraud*
- A US multinational investment bank and financial services company in securing a non-prosecution agreement from the DOJ, and a resolution with the SEC, in an investigation of employees' conduct in connection with the sale of large blocks of equities*
- A Japanese global financial institution in connection with an investigation concerning swap data reporting under the Dodd-Frank Act*

*Representation handled before joining Cooley.

Albert's pro bono experience includes achieving a successful resolution for a client in New York City Housing Court and assisting with the representation of detainees at the Broward County, Florida jail, in connection with protections from COVID-19.

Before joining Cooley, Albert clerked at the Divisional Court of Ontario, one of the busiest appellate courts in Canada with jurisdiction over interlocutory civil appeals, including class certification decisions. Albert previously practiced in the New York office of a US global law firm.

Albert served as a senior editor for the University of Toronto Faculty of Law Review and received the Queen's University Medal in Political Studies.

Education

University of Toronto Faculty of Law JD, 2019

Queen's University at Kingston BA, Honors, 2016

Admissions & Credentials

Admitted to practice in New York only

Not admitted to practice in California

Court Admissions

US District Court for the Southern District of New York

US District Court for the Eastern District of New York