

Rising Star: Sullivan & Cromwell's Nicholas Menillo

By Elizabeth Daley

Law360 (June 23, 2023, 1:55 PM EDT) -- Nicholas Menillo of Sullivan & Cromwell LLP negotiated a fully funded \$237.5 million shareholder settlement for Boeing directors after lethal 737 Max plane crashes, and he advises Silicon Valley Bank's parent company and FTX on insurance matters, making him among the insurance attorneys under age 40 honored by Law360 as Rising Stars.

HIS PROUDEST MOMENT AS AN ATTORNEY:

Menillo's proudest moment came during pro bono work through Immigration Equality on behalf of a gay asylum seeker from Serbia. The man grew up terrified to admit he was gay. Then, when he finally was open about his sexuality, "he was the victim of beatings until he got up the courage to leave the country," Menillo said.

However, during the refugee's immigration interview, he was repeatedly asked by a potentially biased immigration officer how he knew he was gay. The officer "just kept asking, over and over, not believing his answers were sufficient," Menillo said.

Eventually his client said, "'Well, you know I take care of my hair and I take care of my clothes,' because that's what he thought the guy wanted to hear — sort of playing into gay stereotypes."

The refugee's application was denied, and Menillo took his case before an immigration judge. He presented testimony from friends and family, and pictures of his client attending Pride.

Menillo said the immigration judge "took one look at the application and took three minutes to say yes."

His Serbian client had lived in fear of being kicked out of the U.S. "When we're leaving the hearing, you could tell by the look on his face that he finally felt safe," Menillo said, "and that was the proudest moment of my career."

2023



Nicholas Menillo
Sullivan & Cromwell

Age: 35

Home base: Long Island City, New York

Position: Partner

Law school: Cornell University Law School

First job after law school: Associate at Sullivan & Cromwell LLP

WHAT MOTIVATES HIM:

Complex problems are the driving force behind Menillo's practice. He describes himself as a generalist, though he's co-head of his firm's insurance coverage practice group. Menillo enjoys work that is intellectually demanding "in that way when you work out a solution that maximizes your client's outcome, and you look back and say, 'How did we pull this off?'"

He describes himself as a service-oriented person, noting that before he became a lawyer, he was at Cornell for a business degree in hospitality. Menillo was exposed to law while fulfilling requirements for that degree, and his law professor took a shine to him as he took a shine to the subject.

After his foray into legal studies, Menillo decided the hospitality industry wasn't going to be a long-term fit for him. "Although there's a lot of creativity when it comes to cooking — that was my interest — you got to pump out the same dish, the same way every night. I sort of thought it wouldn't be as intellectually stimulating in the long run."

His first law professor at Cornell did a lot to encourage him to switch to law school, "and he was absolutely right," said Menillo, who enjoys the challenges of his current profession.

HIS MOST INTERESTING RECENT CASE:

Menillo is representing Volkswagen in environmental lawsuits brought by various jurisdictions in connection with its admission that it had installed defeat devices in its vehicles to fraudulently pass emissions tests. He said the cases were among the most interesting and challenging, because he had to keep abreast of developments in all related litigation, including class actions by owners, while also fighting on behalf of the company in different courts.

Menillo got several states' cases dismissed, while settling others. He said he is still involved in two related cases, which he has been working on for years. He called working for Volkswagen among his most challenging work, saying "it presents legal issues that are invigorating."

Menillo enjoys the complexity of following many cases all at once as they develop.

"You have all those simultaneous cases that are related to the same underlying issues and legal issues. ... You need to be coordinated and to think about what's going on in this one case that we can use to our clients' benefit in another case," he said.

ON THE FUTURE OF HIS PRACTICE:

Menillo said he has read some Law360 articles about lawyers who got into trouble using ChatGPT, but he's still interested in how the technology would be deployed in the legal field. "I can see a path where generative AI gets used for certain kinds of things," he said, adding that its use would need to take confidentiality issues into account.

As someone who is working with the bankrupt cryptocurrency exchange FTX Trading Ltd., he's also interested in developments affecting such businesses. He said issues brought up by FTX litigation, in which Sam Bankman-Fried and others are accused of defrauding investors in connection with the collapse of the crypto trading exchange, may help redefine what a security is.

"I remember in my SEC 101 class, we spent a whole week on, 'What is a security?'" he said. "Now, we are coming to ask those questions" about cryptocurrency.

Menillo said he was also interested to see what effects bank collapses, such as that of Silicon Valley Bank, would have.

"You're going to see a reaction to that, and that could generate litigation and that definitely could have an impact that we haven't seen yet," he said.

— *As told to Elizabeth Daley. Editing by Adam LoBelia.*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2023 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of May 1, 2023, to be eligible for this year's award. This interview has been edited and condensed.

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