

## Lawyers



### Tracy Richelle High

Partner

#### New York

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Tracy Richelle High is a partner in S&C's Litigation Group, a co-Head of the Firm's Labor and Employment Law Group and a member of the Criminal Defense and Investigations practice. Ms. High's practice focuses on representing financial institutions and other corporations in complex civil litigation, arbitration and mediation proceedings, corporate internal investigations, and labor and employment matters. Ms. High is a member of *Law360's* Employment Discrimination Editorial Board.

She has also represented clients before a wide variety of regulatory and prosecutorial agencies, both at the state and federal levels, as well as Congressional committees and independent examiners appointed by court order.

Internally, Ms. High serves as co-chair of the Diversity Committee and is one of S&C's hiring partners. Ms. High also oversees S&C's active networks for minority associates: the Asian Associates Network, the Network of Black & Latinx Lawyers and the LGBTQ+ Network. Each of these groups is dedicated to enhancing the experience of S&C's diverse attorneys and championing their retention and advancement by fostering professional development, networking and mentoring opportunities.

Externally, Ms. High is the Chairwoman of the board of directors of the YWCA-NYC, a Vice Chairwoman of the Legal Aid Society, a board member of the Lawyers' Committee for Civil Rights Under Law, and on the Executive Committee as well as co-chair of the Contracts Committee of the NYIAC. She also serves on the Steering Committee of the Kate Stoneman Project, is a Trustee of the Harvard Law School Association, New York City, and is a member of the Association of Black Women Attorneys and Metropolitan Black Bar Association. Ms. High is also a Fellow of the American Bar Foundation, a member of the Advisory Board of the Center for Labor and Employment Law at the New York University School of Law and a member of the Council of Legal Advisors to Delta Sigma Theta Sorority, Inc.

#### SELECTED REPRESENTATIONS

##### Labor and Employment

- **A financial institution** regarding significant diversity and inclusion initiatives, including identification of litigation risks to consider and

#### PRACTICES & CAPABILITIES

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**International Arbitration and Global Dispute Resolution**

**Criminal Defense & Investigations**

**Environmental, Social and Governance (ESG)**

**Financial Services Investigations & Litigation**

**Labor & Employment**

**Litigation**

**Corporate Culture, Workplace Investigations & Whistleblower Litigation**

#### EDUCATION

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**1999, Harvard Law School, J.D.**

**1996, Yale University, B.A.**

#### BAR ADMISSIONS

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**Virgin Islands**

**District of Columbia**

**New York**

associated mitigation strategies.

- **A company** in conducting an internal investigation in connection with an anonymous letter raising allegations of racial bias in connection with the company's hiring and promotion practices and concerns about the company's perceived lack of responsiveness to employee complaints. Tracy presented the findings of this investigation to a special committee of the board.
- **A national sports league** in conducting an internal investigation and advising in connection with allegations in the press regarding the culture at one of the teams in the league, including allegations that the team owner and a high-level executive reportedly made racist and sexist comments.
- **A major professional sports league** in the procurement of the dismissal of age discrimination and retaliation charges filed with the Equal Employment Opportunity Commission by a former employee.
- **A major manufacturer of automobiles** in its defense of two employment discrimination class actions.
- **A consumer and retail company** in an investigation concerning allegations of racial bias and microaggressions in the workplace.

#### **Criminal Defense & Investigations**

- **JPMorgan Chase** in its \$920 million settlement with the DOJ, CFTC and SEC to resolve their joint investigations of trading practices on its precious metals and U.S. Treasuries trading desks.

#### **Arbitration**

- **Banco Popular** in a >\$200 million series of disputes in AAA arbitration with the US FDIC arising out of the purchase of nonperforming assets from the FDIC as receiver of a failed bank. One matter was settled on the eve of the scheduled hearing in October 2014, two others were tried to completion and confidential awards in August and November 2016. A fourth arbitration between the parties under the same agreement was settled in February 2017.

#### **Antitrust**

- **Barclays** in the global antitrust investigations launched by numerous agencies and regulators into allegations of rate rigging of foreign exchange trading. The S&C team negotiated a favorable settlement on behalf of Barclays with all of the major FOREX investigators in May 2015.

#### **M&A Litigation**

- **The former directors of Hudson City Bancorp, Inc. (HCB)** in obtaining the dismissal of a putative class action shareholder suit against S&C clients HCB and its former directors, as well as M&T Bank (M&T) and M&T's board of directors stemming from the \$3.7 billion merger between HCB and M&T.

#### **Complex Litigation and Trials**

- **Airbnb** in obtaining a preliminary injunction preventing the City of New York from implementing a new ordinance intended to collect personal data about the users of short-term rental platforms, which Airbnb argues is invalid under the Fourth Amendment of the U.S. Constitution. This case has significant implications, not just for Airbnb, but potentially for any business concerned about protecting the privacy of its users.
- **Volkswagen** in litigation brought by State Attorneys General arising out of allegations that Volkswagen's diesel vehicles emitted nitrogen oxides in excess of the limits imposed by applicable U.S. law.
- **A leading Broadway producer and theater operator** in a bench trial of breach of contract and fiduciary duty claims brought by the co-owner of a San Francisco theater business in the Delaware Court of Chancery. The trial court dismissed the principal claims and awarded no damages.

### ***Speaking Engagements and Publications***

- Moderated a panel on "The Future of Remote Work" at the New York State Bar Association's Fall Meeting of the Labor and Employment Law Section (October 15, 2021)
- Participated in a panel titled "Employment Issues Facing Executives Arising out of Government Investigations" hosted by the New York City Bar Association (September 13, 2021)
- Presented on "Attracting and Retaining a Diverse Board and Staff" at the New York City Bar Association's 8th Annual Not-For-Profit Law Institute (November 13, 2020)
- Participated in a panel at the Federal Bar Council's 2020 Employment Law Update (November 12, 2020)
- Co-Author of Chapter 65 of the treatise "Commercial Litigation in New York State Courts," addressing appeals to the NY Court of Appeals, for *Thomson Reuters* (October 2020)
- Participated in a panel titled "Religious Discrimination in the 2020 Workplace" as part of PLI's Employment Discrimination Law and Litigation 2020 (June 15, 2020)
- Co-wrote the article "Employers' Guide to Return-to-Work Considerations During the COVID-19 Outbreak" for *Reuters Westlaw* (April 2020)
- Co-wrote the article "Employers' Guide to the Fair Labor Standards Act and the Family and Medical Leave Act and During the Coronavirus Outbreak" for the Thomson Reuters COVID-19 Resource Center (March 2020)
- Spoke on the panel, "Know Your Forum for Discrimination Cases: Federal Court, State Court, Arbitration, or Agencies" at the Sixth Annual Employment Law Institute, hosted by the New York City Bar Association (March 6, 2020)
- Wrote the article, "Recent SEC Enforcement Actions Involving

Revenue Recognition Fraud,” in the quarterly journal, *PLI Current: The Journal of PLI Press* (March 2020)

- Participated in a panel titled, “An Ounce of Prevention, A Pound of Cure: Compliance and Internal Investigations” at the National Association of Criminal Defense Lawyers’ 15th Annual White Collar Crime Conference in Washington, D.C. (October 24, 2019)
- Led a one-hour PLI briefing on mandatory arbitration agreements in the wake of #MeToo (July 31, 2019)
- Presented an update on employment law at the New York City Bar Association’s 7th Annual Not-For-Profit Law Institute (March 29, 2019)
- Moderated a panel concerning “Discovery Disputes in Employment Law Cases” as part of PLI’s Employment Law Institute 2018 (October 17, 2018)
- Co-wrote the article “Market Trends 2017/18: Whistleblower Protections” for *Lexis Practice Advisor* (June 2018)
- Wrote the paper “2017 Enforcement Trends in Accounting Fraud,” which was presented at PLI’s Basics for Accounting Lawyers: What Every Practicing Lawyer Needs to Know (May 18, 2018)
- Spoke on Ethics for Employment Lawyers at the New York City Bar Association Employment Law Institute (March 1, 2018)

#### RANKINGS & RECOGNITION

- Profiled in *PoliticsNY Power Women* list (2022)
- *Chambers USA: Labor & Employment* (2022)
- Named Metropolitan Black Bar Association Private Practitioner of the Year (2022)
- Named to *Profiles in Diversity Journal’s* Black Leaders Worth Watching (2022)
- Named a “Labor & Employment Star (Northeast)” by *Benchmark Litigation* (2021-2023)
- Named to *Euromoney’s* Women in Business Law Expert Guide for Litigation (2021, 2022)
- Named to *Lawdragon’s* 500 Leading U.S. Corporate Employment Lawyers (2020-2023)
- Named to the Lawyers of Color’s Inaugural Nation’s Best List (2019)
- Recipient of the Association of Black Women Attorneys Professional Achievement Award (2019)
- Named to The National Black Lawyers Top 100 (2018-2022)
- 2017 City & State Responsible 100 Awardee
- *New York Super Lawyers* (2013-2020)
- Profiled by Profiles in *Diversity Journal* in its 2016 Diversity Leaders issue
- Profiled in *Savoy Magazine’s* 2015 list of Most Influential Black Lawyers

- Named 2015 Diversity Trailblazer by the New York State Bar Association (2015)