

## **Steven H. Thal is one of the Best International Corporate and Commercial Transactions Attorneys in the World**

### **Personal Life**

Steven Thal serves as an international attorney for the law firm of Phillips Nizer, LLP, based in New York, NY. He has an expansive practice in international corporate and commercial transactions, with a focus on European and U.S. cross-border transactions. Steven counsels Austrian, Swiss and German companies and individuals on cross boarder transactions as well as U.S. legal issues. The top-notch attorney has represented many mid-sized and large German-based multinational companies.

Steven speaks German fluently and is a guest speaker within the Faculty of Law at *Ruprecht-Karls -Universität Heidelberg* (University of Heidelberg) and *Ludwig-Maximilians-Universität München* (University of Munich), where he lectures about international business transactions. He frequently lectures in Austria, Switzerland, Germany, and the United States on several issues regarding international investments, U.S. litigation and corporate matters. Steven has also spoken at *Europäisches Forum Alpach*, The Council of American States in Europe, *Euroforum Deutschland*, The *Studienstiftung des deutschen Volkes e.V.* and U.S. Consulates and Embassies. He is a Trusted Attorney to the Austrian Trade Commission in New York as well as the Swiss and German Consulates in New York.

Steven was born and raised in Manhattan, NY. He earned his B.A. in Economics and J.D. from the University of Michigan. He also studied political economics at the New School for Social Research in New York and was awarded a Fulbright, Ford Foundation and DAAD Scholarship at *Eberhard-Karls-Universität Tübingen* (University of Tübingen) in Germany, where he studied law. Not only is Steven admitted to practice law in New York, but he also is admitted to serve as a foreign legal adviser in Frankfurt, Germany on issues relating to U.S. and international law.

From 2008 to 2010, Steven served as President of *Der Deutscher Verein*, a 170 year old German Executive Club located in New York. The social club is the second oldest in New York and it acts as a meeting point for successful individuals in the German community. Steven is currently the President of *Städel Friends, Inc.*, Which was established in the United States to support the renowned *Städel Museum*, located in Frankfurt, Germany. He is a member of the New York State Bar Association (Committee on International Law), The International Bar Association (Committee on International Sales), The German American Lawyers Association, The Brazilian American Chamber of Commerce, The German American Chamber of Commerce in New York, and the American Council on Germany.

Prior to Phillips Nizer, Steven served as counsel in the New York and Frankfurt offices of Latham & Watkins, LLP. The proud New Yorker is listed in Who's Who and Who's Who in American Law.

When Steven isn't working, he enjoys boating and swimming. He said he swims daily in his swimming pool and he likes boating on a lake near his home in Connecticut. He also loves rooting for the University of Michigan football team and he has taken his son to the Big House, where they enjoy watching the Wolverines' home games. Steven is a frequent visitor of Asiate, an American-Asian fusion restaurant, located in the Mandarin Oriental Hotel in New York. He explained, "The hotel overlooks Central Park and they have fabulous room service. It's my favorite spot in New York."

### **Steven's German Roots and How He Began His Career**

When asked about his connection to German and how he started his career, Steven said:

"My connection to German and Germany arose from my family. The entire family, all sides, all generations had been born in and lived in Germany until WWII. They were forced to leave en masse at the same time and many came together with other German speaking refugees from Central Europe in the far upper West Side of Manhattan. It has been called 'Frankfurt on the Hudson' and there is even a book out with that name describing that era in the 40's.

All being recent immigrants, no one spoke any meaningful English and the oldest generation never learned. I therefore grew up with German as my native language even though I was born in Manhattan. We all spoke only German to each other and even in the community. I guess it is like living in a Mexican, Dominican, Puerto Rican Community now in the U.S. Kids learn their mother tongue at home. My family did insist on proper German and read me German children's books, etc. The language stuck even as I grew up and entered school. That was my entry into the German world.

When I was in my last year of law school, we had Prof. Dr. Fikentscher as a visiting professor in Ann Arbor and we became acquainted. Through our contacts he came to realize my German was sufficient to study law there and there were only few young Americans who could move right into a German law course. So he invited me to do my studies there and I worked as one of his assistants in his chambers at the Tübingen law school. That is how it all started and it focused on my career. I have spent a lot of time in Central Europe, had an office in Frankfurt for most of the time (and am still a guest user of office facilities at a law firm there). While at Latham I had an office in NY and Frankfurt and shuttled back and forth monthly (or more).

I have great fondness for Germany and feel very at home there, as in all of Europe, but particularly Germany and the German speaking countries. I have relatives there with whom I am very close and probably more friends all over than even in NY. The miracle of the email, cell phones and Skype has also made it possible to stay perpetually connected. I walk around with three different cells for different purposes and to make myself constantly available on local numbers in Europe and here. Forget about turning off the phones. That only works when you stop working in international law. The world does not move by a local NY time zone or NY office hours. I do sleep very well when I get to it but one has to be flexible about when you sleep. It may not be 10 to 7. I have one client right now who calls me regularly from Germany in the middle of his night there in order to reach me in the office in NY.

If that all sounds too stressful then it is not the right career for the person. That commitment to the larger world brings with it the fun of being part of that larger world. They go hand-in-hand.

There were years in which Lufthansa was my first home. In and out of Frankfurt or Europe and from there onwards to wherever there was work to be done in Asia, Africa or elsewhere. I kiddingly say I had my own gyroscope and lived in the air in some vague personal time zone. It really was a horizontal world. I would meet people in one city and we would plan a meal for the following week or month half-way around the world.

I once had a business black tie event in New York one night and another one in Italy the next night. I changed in and out of my tux while traveling, with one hour on the ground to shave and shower. Flying the Concorde for last minute meetings was always fun. I would get a call in New York and be told to be in Paris or Zurich for dinner the next day. I would be invited to two weddings or whatever in two countries on the same weekend or even the same day. I could not manage two in one day but in two days I was able to manage.

I recall giving a speech at a conference in The Austrian Alps one evening and then having to leave almost immediately at night to get to Salzburg Airport for a 6AM flight to make a 10 AM client meeting in Düsseldorf. From there I flew on to New York and slept all the way on the flight home.”

Steven also shared his upbringing. He recalled:

“I talk about my family a bit above. They were always supportive but no pressure except do as well as you can. I never had a private school education, private tutors, etc. and as said went to a state university. I guess I was treated as an adult from early on and I understood it was mine to do with as I wanted.

They were hard working people and I picked that up. I was not coddled at all but grew up in a very European kind of home. You just did what you were supposed to without a lot of fuss but with good upbringing. I also learned a lot from my days in southern Germany. People there work very hard, are very careful but also focus on a very good lifestyle.”

### **Steven’s Successful Law Career**

The University of Michigan alumnus was asked if he received any awards or participated in any internship that influenced his decision to go into the law? Steven said:

“I was an assistant to a professor in the economics department. My main extracurricular activity at Michigan as an undergrad was the debate team. I was very active and became the Captain of the Michigan debate team. We traveled all over the country for tournaments and were trained in various types of public speaking programs ranging from formal judged debates, conference negotiation techniques including judged conferences with scoring, public speaking formal speeches, after-dinner speaking, etc.”

How was Steven’s debate experience? “It was a fabulous experience. The single best thing I learned was the full debate experience at Michigan. It really made a difference in my career and in my life.”

When asked if he could tell us about his most memorable law school experience, Steven recalled the following experience: “I think my summer jobs at the boutique firm. I was allowed to travel with the senior partner and helped him prepare his speeches on antitrust subjects. I was also an assistant to a law professor, who later became Dean of the Cornell law School. He was working on a study regarding highway safety in the U.S. and I did a lot of research. It was a very interesting project involving administrative law in numerous states.”

Steven discussed why she became an attorney. He stated:

“I have always loved the combination of intellectual effort with practical problem resolution. It is a challenge to find and apply the right solution to a problem. My debate experience crystalized this for me. One topic on the national debate circuit was should Labor Unions be Subject to the Antitrust Laws? It was a hot topic back in those days. My debate partner (who later also became my law partner when we started our own law firm in NYC) and I researched and argued this issue to death for one year. We were convinced we had found the perfect solution to the problem.

I recall we even submitted our proposal to a publication but it never got published. That topic also made me focus on antitrust law as an area of special legal interest. My first summer job in NYC during law school (both after my first and second years) was with a small but highly regarded boutique antitrust law firm. When I went to Germany to study law, I also focused on German cartel law. My published thesis after my studies there was about The Rule of Reason in German and European Antitrust Law. I had caught the bug from my debating experience.”

Why did Steven study law in Germany? He said it was serendipitous. Steven speaks German fluently and when he met Prof. Dr. Fikentscher during his last year in law school, the professor invited him to study and work as one of his assistance at the Tübingen Law School.

While studying in Germany, Steven earned two prestigious awards. He is also a guest speaker at the law schools of the Universities in Munich and Heidelberg. Steven claimed:

“I was awarded a Fulbright Scholarship and a Ford Foundation Grant which enabled me to study in Germany. I am also a visiting Lecturer at the law schools of the Universities in Munich and Heidelberg. I really enjoy teaching comparative law there and I actually use a lot of the English history to explain how and why our Anglo-American system works as it does all around the English-speaking world. It is actually a wonder that you can be in so many places with lawyers trained in so many foreign universities and still all talk about equitable remedies or numerous other English legal concepts. And to teach a non-Common Law lawyer about our system, you have to talk about the development of the Common Law doctrines, including the Lord Chancellor of course.

The influence of the English Common Law on the business world has been extraordinary. There is today a kind of international format to documents which all looks and feels like a Common Law document, albeit with local law and local usage. I sometimes smile when I see an integration clause in a foreign law document, where there is no need or basis for having such a provision since they do not have the Parole Evidence rule or jury trials and whatever we think of as reasons for an integration clause.”

How long have you been an attorney? The humorous attorney replied, “Mentally since before Moses but physically since 1970. That is about the same amount of time.”

Did Steven own his practice, work in a law firm or work in-house? He explained:

“I was with various firms during my career- including my own law firm in NYC which I started with my partner in 1974. As the world of large firms took over, particularly in international law, I moved on to ever-larger firms. I spent the last

part of that epoch with LeBoeuf Lamb (sad news last year) and then Latham and Watkins. Of all the firms I have been with only Latham survives. I think that is a sign of how agile and forward looking you have to be as a lawyer today. With few exceptions, it is certainly not the world of 50 years with a gold watch retirement.

I left Latham some years ago at 65 and wanted to do my own thing but not on my own. I joined Phillips Nizer LLP as International Counsel. They provide me with a platform and full support but I am not a partner. PN is a wonderful, diverse, high quality, mid-sized NY regional law firm. It is about 80 years old and has remained independent. Its founder was Louis Nizer, who most people have heard of. As International Counsel, I have and am responsible for my own international clients here-- as I always had wherever I was. In this role, I have flexibility and can focus on my business development as well as serving the needs of my clients with the excellent support of the other attorneys at PN. I work full-time, travel a great deal on business and love every moment of it. If I want to take an extra day off, I can do so without feeling guilty."

What is the best part of your job? Steven asserted:

"I love the international aspects of my practice. I thrive on the work and the cultural experience of working with people from all over the world. I have friends everywhere and can land somewhere and go to dinner with old friends. Last year, I had to be in Oman and have great old friends there who devoted themselves to me for several days during my visit. It was memorable and a beautiful country with great people. Over the years, I have seen the world as mine. It is all horizontal and all interconnected. You can be in Capetown or Hong Kong and it all fits together neatly into one package. Understand I am not saying everything is or should be the same but all is reachable, all can be experienced and all can be enjoyed.

The biggest lesson I had to learn during my time living in England once and then Germany, is to stop comparing and judging everything as better or worse. That is the biggest sin, when it comes to international life. Our X is better than their Y. The X in France is better/ worse than the Y in Brazil. That is what gets everyone in trouble because we create a barrier in our thinking rather than suspending the judgments and allowing the experiential differences guide us. Who cares if it's better or worse. What is important is that it is different and we can experience it. We have the right to make life choices for ourselves (vanilla or chocolate) but that does not mean we have not experienced the other and accepted it for what it is—and acknowledging that someone else may prefer the other. Once learned, that rule helped me adjust to many places and many cultures very easily."

What is Steven known for professionally? The candid attorney said, "I am probably the wrong person to answer that. I am still stimulated by finding good solutions to complex

problems. I do not give up and I love the intellectual challenge of 'walking between the raindrops' to reach a great solution. I add that to my focus on international activities and I guess my strength may be in walking between raindrops in several countries at the same time."

What area of the law is Steven most passionate about? "Aside from international, I would have to say negotiations. I love the art and challenge of negotiating a deal."

Is there an area of practice Steven would like to develop further into? "Aside from the book on the Common Law, probably no."

In regards to his weakness and strength, he acknowledged, "I get a little impatient these days but that also comes from age and having heard so many things so many times before. Strengths: maybe experience."

So what does Steven think about the legal field today? What would he change about it? Steven noted:

"As everyone says, it has become a business. Sadly the pressure of clients and money and size have made every attorney very practical in the cases and clients they serve and how they provide those services. Pure professionalism is hard to find not because lawyers do not wish it but because the practical pressures make it very hard to provide. Many or most clients today expect quick answers and quick solutions without permitting an attorney to consider a matter more deeply with some time to spend on finding a solution.

Everyone needs to be an expert in his/her own little niche area and have an answer at hand when asked. I do not know if I want to change it since that would be going backwards in a rapidly moving world. My hope is that the pendulum of economics will swing back from a current anti-lawyering sentiment to one in which professionalism is acknowledged and lawyers will have some more flexibility in providing thoughtful, quality professional services for clients willing to accept and pay for that."

If he weren't a lawyer, what would Steven probably be doing? "I would study English Constitutional History. I would love to write the definitive work on how the Common Law of England developed through the historical interplay of political forces in England from 1215 onward. My only problem is that I am too late. Prof. Thomas Plucknett already wrote [A Concise History of The Common Law](#) quite some years ago and did such a good job of it that there would be little for me to write about. But I could study it anyway."

The international attorney was asked where he sees himself in five years' time? "I hope that the good Lord enables me to keep doing exactly what I am doing and that I

can keep traveling but at a moderate pace. I can easily combine work and a very good lifestyle. Sitting home and watching TV is not for me.”

What motivates Steven to be an attorney everyday? “Basically the international political and economic activities that surround us all the time.”

What would be impossible for you to give up? “The intellectual challenge of dealing with clients and problems as well as my foreign friends and colleagues who visit here or whom I visit there.”

How does the former Wolverines’ debater want to be remembered? He stated:

“I hope I helped build a bridge between post WWII Europe and the U.S. in some small way. My family was driven out and came to the U.S. and I was able to go back as a native born and raised American and culturally a native German. To this day, I am never sure where I am from culturally. I hope I helped people here see something more about a changing Europe and helped them overcome our stereotypes and at the same time I hope I helped younger Germans understand the world I came from in the U.S. and the German history we shared and how they all fit together.”

### **Steven’s Mentors, Pro Bono Work, Non Profit Organizations and Being a Visiting lecturer**

Steven talked about three mentors who had an influence on him early in his career. He said:

“Professor Kenneth Andersen at the University of Michigan Speech Department, who taught me everything I know about public speaking and publicly presenting myself, as well as the art of debate and the art of negotiating. Also, my first employer, attorney Malcolm Hoffman, who gave me the opportunity to start my career. Finally, Prof. Dr. Wolfgang Fikentscher, who invited me to study under his tutelage at the University of Tübingen and who supported my studies in many ways. I am pleased to say that over all these years I still remain friends with both professors and they still help me from time to time with valuable insights and advice.”

Steven also talked about two pro bono cases he has handled. In 2010, rapper Ryan Leslie reported that his backpack was stolen while he was visiting Cologne, Germany. The singer lost his cash, jewelry, laptop and an external hard drive. Although Leslie quickly announced a \$20,000 reward for his missing items through a YouTube video, nobody came forward with the R&B singer’s belongings. Leslie then decided to increase the reward to \$1 million. Armin Augstein, a German auto-shop owner, found Leslie’s computer in a German forest while walking his dog. After returning Leslie’s computer,



the auto-shop owner thought he would receive the reward. Leslie did not hand over his million to Augstein because he claimed that the files had been damaged. Augstein hired Steven to help him collect his reward.

In November 2012, a federal jury in New York unanimously agreed that although Leslie couldn't obtain the files on his laptop, he still had to pay Augstein the award he had promised. The rapper was ordered to pay \$1 million plus an extra \$180,000 in interest, which accrued from the time the laptop was discovered and when the jury reached a verdict.

Steven also represented the German Government in Afghanistan on legal matters relating to economic development programs.

Is Steven involved with any non-profit organizations? He explained:

“I was one of the three founders of the German American Partnership Program about 35 years ago. It has grown to be the largest student exchange program between the U.S. and Germany, sending some 8,000 high school students in both directions each year. They live, study and learn about life in each other's countries. I continue as pro-bono general counsel.

I am also President of a not for profit which supports the Städel Art Museum in Frankfurt. The Städel is a highly valued and renowned art museum in Frankfurt like the Metropolitan in New York or the Art Institute in Chicago.”

Steven is a visiting lecturer at the law schools of the Universities in Munich and Heidelberg, where he conducts seminars on international business transactions. What inspired Steven to teach? “I always liked teaching. I did a lot of lecturing in Europe. I find it fascinating. While I was on the debate team at Michigan, I learned how to stand and speak in front of people. Lecturing is a further extension of my desire to give something back to young people.”

The international attorney is a frequent speaker in the U.S., Germany, Switzerland and Austria on various matters relating to international investments, corporate matters and U.S. litigation issues. What have you learned from your speaking engagements? “I always struggled to make presentations while in Europe because I present the American view. It doesn't help to present the American view. I have to connect American litigation and legal thought to their world.”

### **Vision for the Future and Final Thought**

Steven shared his vision for the future. He said:

"I actually am very concerned about the EU and spend a lot of time thinking (worrying) about the developments there. Since 1967, I have grown up in an Common Market and later EU world. While I was a Fulbright Scholar, the Fulbright Commission sent a few representatives to Brussels for a period to become familiar with and learn about the institutions in the European Common Market, as it was then called. Over the years, I watched Europe come together and integrate. I have seen the elimination of different currencies (I used to carry wads of everything with me), elimination of passport controls, uniformity of work rules, finding young people from many countries working together in jobs, unification of legal doctrines, finding the same food brands in supermarkets all over Europe, etc. Now there is a crises and I fear the political institutions are not properly dealing with the problems and the fabric of the EU is pulling apart.

There is rioting and marches in numerous countries. Leaders in some countries are not in touch with the reality in other countries. There are circles within circles. Old rivalries are brought forth. It is an unhappy time for me as I see a lifetime of developments in Europe pulling at the seams. I sincerely hope I am completely wrong and all this will pass but I am not sanguine on that right now.

The good news is that I think the U.S. has made great strides in returning to a reasonable political, social and economic standard. I am not talking short term Washington politics but we are now confronting issues (education, foreign engagements, finances) that were too long ignored under some theory that we were dominant and did not have to think about those subjects.

As you move around the world you see that there are many areas in which we are no longer the most modern, the best, the richest, and we are now at least looking and talking about those subjects. I see a very bright future here once we pass through this difficult cultural transition period in our history. Despite everything I have experienced overseas, I am a very patriotic American and very thankful for everything this country has given me, my family and all of us who live here. We are not perfect but we have the capacity always to be a great nation of great vision."

When asked if there was anything else he would like to tell people about himself, Steven replied:

"Yes, Lets focus a bit on older people. I am a firm believer in staying physical and mentally fit as a means of staying younger and healthier. I do not mean one has to pretend being 25 but staying active, not letting the day to day complaints get in your way and just pushing forward. You have to be excited about what you are doing and you have to be fit to do it. Swimming is my personal target. I try for about 45 minutes for 5 days per week. I sometimes cheat but that is my target and I adhere to it quite well."