

Webcast: Article 78 Challenges to Government Action in New York: Strategic Considerations and Pitfalls

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In recent years, regulatory action has been on the upswing in New York, with state and city administrative agencies and officials adopting increasingly aggressive roles in governing virtually every industry across the state. As a result, now more than ever it is essential for those working in regulated industries—whether on the legal or business side—to understand their legal options in challenging New York state and city agency rules, regulations, determinations, and other executive actions and policies. The primary vehicle for mounting such a challenge is the Article 78 action, a type of summary proceeding brought in New York State Supreme Court. In this one-hour webcast, three of our most experienced attorneys in the field of challenging government action in New York—partners Mylan Denerstein and Akiva Shapiro, and of counsel Paul Kremer—provide practical and strategic guidance for the successful prosecution of Article 78 actions. Drawing on real-world examples from their practice, they discuss the primary strategic issues that should be considered in deciding whether to bring an Article 78 challenge (versus, for example, a suit in federal court); provide a roadmap for litigating Article 78 proceedings and keys to success; and discuss the procedural hurdles government actors often raise in defending against these actions, and ways of overcoming those hurdles. The program is beneficial to anyone working in a regulated industry or otherwise affected by actions taken by New York city and state agencies and officials, as well as for practitioners.

Related People

[Mylan L. Denerstein](#)

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PANELISTS: **Mylan L. Denerstein** is a litigation partner in the New York office of Gibson, Dunn & Crutcher. Ms. Denerstein is a Chair of the Public Policy Practice Group and a member of the Crisis Management, White Collar Defense and Investigations, Financial Institutions, Labor and Employment, Securities Litigation, and Appellate Practice Groups. Ms. Denerstein leads complex litigation and internal investigations, representing companies confronting a wide range of legal issues, in their most critical times. Ms. Denerstein is known not only for her effective legal advocacy, but also for her ability to solve problems. In addition, Ms. Denerstein is Global Chair of the Firm's Diversity Committee and Co-Partner-in-Charge of the New York office. Ms. Denerstein was previously a member of the Firm's Executive Committee. In 2022, Ms. Denerstein was appointed to serve as the independent NYPD Monitor to oversee the court ordered reform process. Previously, Ms. Denerstein has served in a wide variety of roles in government, including as Counsel to the New York State Governor, as an Executive Deputy Attorney General in the New York Attorney General's Office, and as Deputy Commissioner for Legal Affairs for the New York City Fire Department. **Akiva Shapiro** is a litigation partner in Gibson, Dunn & Crutcher's New York office, Chair of the Firm's New York Administrative Law and Regulatory Practice Group, Co-Chair of its Religious Liberty Working Group, and a member of the Firm's Appellate and Constitutional Law, Media, Entertainment and Technology, and Securities Litigation Practice Groups, among others. Mr. Shapiro's practice focuses on a broad range of high-stakes constitutional, administrative, commercial, and appellate litigation matters. He is regularly engaged in front of New York's trial courts, federal and state courts of appeal, and the U.S. Supreme Court. **Paul J. Kremer** is Of Counsel in the New York office of Gibson, Dunn & Crutcher. He is a member of Gibson Dunn's Litigation, Intellectual Property, and Crisis Management Practice Groups, where he focuses on contract, lease, and license disputes; patent

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infringement cases; and state and local regulatory challenges. Mr. Kremer represents a diverse array of clients engaged in high-stakes commercial litigation, from New York City park trustees and private real estate developers to Fortune 100 technology companies and prestige television networks. In 2019, he was instrumental in defending against Article 78 challenges seeking to halt construction of the New York Islanders' arena project.

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