

Cy Smith

Partner

Cy Smith has three decades of trial experience and is a Fellow of the American College of Trial Lawyers. He primarily represents plaintiffs and defendants in large, complex civil litigation in diverse industries such as financial services and healthcare. He regularly tries cases with stakes in excess of \$100 million or even \$1 billion. The Delaware Court of Chancery has labeled his work “an exemplar of exactly how entrepreneurial plaintiffs’ contingent fee litigation ought to work,” while *The National Law Journal* has called him a “trailblazer.”

In 2020-2022, *The New York Times*, *Washington Post*, NPR and ABC (among others) covered Cy’s successful representation of Black NFL retirees who contend that payments under the national class action concussion settlement have been systematically tilted against Black players. The resulting settlement opens the door to benefits for thousands of Black NFL retirees. For his work, Cy was recognized as “Litigator of the Week” by *The American Lawyer* and as an “MVP” by *Law360*.

Cy’s work for football retirees began in 2005 when he helped the family of the late Pittsburgh Steelers great Mike Webster win a multimillion-dollar judgment in retroactive benefits and other relief from the Bert Bell/Pete Rozelle NFL Player Retirement Plan.

The case was the first-ever win against the NFL pension plans, and paved the way for today’s public, litigation, and legislative scrutiny of pro and amateur sports’ concussion crisis. Cy testified before the U.S. House Judiciary Committee and has appeared in diverse media to discuss pro football and concussions.

In the consolidated national class action antitrust proceedings against the Blue Cross-Blue Shield insurers, Cy was selected by the Alabama federal district court to serve on the five-person Plaintiffs’ Steering Committee directing litigation on behalf of health insurance subscribers. The settlement in that case, which has received final approval, requires the Blues to pay \$2.67 billion to insureds and to undertake sweeping changes in the ways the Blues compete in the national health insurance market.

In other high-stakes cases, Cy represented the son of real estate mogul and corporate raider Victor Posner in a multimillion-dollar settlement in one of the largest will



Baltimore

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Practice focus

- Business Litigation
- White Collar Defense
- Employment Law and Litigation
- False Claims Act
- Investigations
- Legal Profession and Ethics
- Plaintiffs and Class Actions
- Securities and Commodities Litigation
- Commercial Health Insurance Disputes
- Pro Bono

Education

- University of Virginia School of Law, J.D., 1986
 - Robert E. Goldstein Award
- Dartmouth College, B.A., 1981



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contests in U.S. history. He also represented an accountant in the Manila office of a global construction firm, who was kidnapped and tortured after the employer refused either to pay his ransom or permit his family to do so.

Outside the office, Cy is active in community affairs. 2019 marked the completion under his leadership of a \$13 million capital campaign for Beth Am Synagogue, located in Baltimore's historic Reservoir Hill neighborhood, where Cy earlier served as President. That campaign, Beth Am's first, secured a multi-million-dollar endowment for the congregation and funded a complete renovation of the synagogue's century-old structure.

Professional leadership

- Fellow, American College of Trial Lawyers, 2017-present
- Member and President (2006-2007), Board of Governors, Federal Bar Association, Maryland Chapter
- Member, Criminal Justice Act Panel, U.S. District Court, District of Maryland, 1991-2008

Community involvement

- President (2011-2013) and Member (2005-2020), Board of Trustees, Beth Am Synagogue; Co-Chair, Capital Campaign, 2013-2020
- Member and Vice Chair (2004-2011), Board of Directors, Baltimore Urban Debate League
- Member and Chairman (2003-2004), Lawyers' Campaign for the College Bound Foundation
- President (2008-2022) and Board Member, the Gil Sandler Fund, Inc.

Recognitions

- Chambers USA: America's Leading Lawyers for Business, Litigation: General Commercial (Maryland)
- Benchmark Litigation, Local Litigation Star (Maryland)
- The Best Lawyers in America, Commercial Litigation; Health Care Law; Legal Malpractice Law - Plaintiffs; Litigation - ERISA
- Super Lawyers (Maryland)
- The Daily Record, Business Law Power List, 2024

- Sigurd Larmon Scholar
- Rufus Choate Scholar
- Longwood Cup
- Brooks Cup
- Chase Peace Prize
- Ranked first nationally for intercollegiate debate, 1980-1981

Languages

- French

- Law360, Benefits MVP of the Year, 2022
- Lawdragon, 500 Leading Lawyers in America List, 2022
- The National Law Journal, "Trailblazer", 2017
- The Daily Record, Leadership in Law Award, 2009

Bar admissions

- Maryland
- District of Columbia

Court admissions

- U.S. Supreme Court
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, District of Columbia
- U.S. District Court, District of Maryland

Representative matters

- Represented a class of investors suing their Delaware LLC's managers for breach of fiduciary duty after the managers sold the LLC's assets (consisting of "viaticated" life insurance policies) to themselves for a fraction of their value. The Delaware Chancery Court said the multi-million-dollar settlement should be used "to instruct law students" on how to practice.
- Represented shareholders suing derivatively on behalf of Sinclair Broadcasting Group, who allege that the controlling shareholders in this public company engaged in sweetheart deals which doomed Sinclair's proposed merger with Tribune Broadcasting. The court-approved settlement captured nearly \$25 million for Sinclair and its shareholders – almost \$5 million from a Sinclair insider – and enacted far-reaching changes in the company's corporate governance.
- Represented a class of nursing home residents challenging Maryland's refusal to provide deductions for Medicaid recipients' pre-eligibility medical expenses for long-term care. The settlement—one of the two largest



settlements or judgments ever against the state of Maryland—resulted in payment of \$16 million for the benefit of the class and brought the state into compliance with federal law.

- Represented a class of consumer borrowers alleging that their title insurance transactions were steered by kickbacks paid by a national title insurer in violation of the federal RESPA statute. After ten years of litigation – including three denials of class cert., two trips to the Ninth Circuit, and one near-death experience in the Supreme Court – Cy forged a settlement in which the title insurer consented to an injunction forbidding the payment of the challenged kickbacks, and gave certified class members twice what they had paid the defendant for title insurance.
- Represented the estate of ex-Pittsburgh Steelers great Mike Webster in the first-ever win against the National Football League's (NFL's) pension plan, proving that Mike had been crippled by multiple concussions from his NFL career. His win led to testimony before Congress and paved the way for today's media, public, legislative and litigation scrutiny of pro football's concussion crisis.
- Represented an accountant who was kidnapped, tortured, and held for ransom in the Philippines; his employer had refused both to pay the ransom demanded and to tell his family so that they could secure his release. The case settled on confidential terms after Cy won back-to-back victories in the U.S. Court of Appeals for the District of Columbia Circuit—and unearthed a video of our client's imprisonment and torture.
- Represented plaintiffs who won enforcement of a highly favorable pension plan amendment, defeating claims that it was the product of a federal labor racketeering conspiracy and resulting in one of the largest ERISA judgments ever in the U.S. Court of Appeals for the Fourth Circuit.

