

# The Hoffinger Firm



## Fran Hoffinger

Partner

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## Education

J.D., Fordham University School of Law, 1984

B.A., *cum laude* with distinction in all areas, Cornell University, College of Arts & Sciences, 1981

## Admissions

New York State

Southern District of New York

Eastern District of New York



Fran Hoffinger is a founding partner of The Hoffinger Firm, PLLC. Her practice focuses on

white and non-white collar criminal defense and civil and commercial litigation, both state and federal, as well as matrimonial and family law. Ms. Hoffinger began her legal career over 35 years ago at the New York Legal Aid Society Criminal Defense Division, first as a staff/trial lawyer and then as a Supervising Attorney where she represented hundreds of low income and indigent clients accused of a variety of crimes for seven years from 1984 to 1991. In private practice, she has continued her zealous representation of clients and tried a variety of cases, criminal, civil, matrimonial and family law related, and conducted hearings. She has been selected by New York Super Lawyers for excellence in Criminal Defense annually since 2009 and in 2018 was selected as one of the Top 50 Women New York Metro Super Lawyers. Ms. Hoffinger also has an AV Preeminent rating from Martindale-Hubbell and was selected by the Bar Register of Preeminent Women Lawyers.

Criminal cases, trials and investigations run the gamut in the white collar area from conspiracy and fraud to embezzlement, larceny, Medicaid fraud, sales tax evasion, mail fraud, cyber crimes and theft of government funds, and in the non-white collar area from homicide, burglary, larceny, assault, sexual abuse and assault to domestic violence, aggravated harassment, driving while intoxicated and resisting arrest. She has successfully persuaded prosecutors on many occasions not to pursue criminal charges against her clients, or to reduce the charges significantly. Ms. Hoffinger also represents victims of crimes, including domestic violence, elder abuse, fraud, grand larceny, embezzlement, stalking, cyber stalking and aggravated harassment, as well as witnesses in criminal proceedings, including those involving homicide and fraud charges.

On the civil side, Ms. Hoffinger has represented individuals and entities in cases involving partnership disputes, breach of contract, sexual harassment and other employment-related investigations and litigation, sexual assault, infliction of emotional distress, disputes between siblings regarding the disposition of their parents' estates, misappropriation of trade secrets and property, shareholder derivative issues, conversion of property, professional malpractice, attorneys' professional disciplinary matters, the Madoff-related bankruptcy litigation, and litigation involving cooperatives and condominiums. She has also represented college students in university-related disciplinary matters, including charges of sexual misconduct. She has conducted hearings before the New York State Unemployment Insurance Appeals Board, and represented clients being investigated or called as witnesses by investigatory and administrative agencies.

In the area of matrimonial and family law, Ms. Hoffinger has handled a variety of matters in both Supreme and Family Court, including all aspects of divorce, contested and uncontested, including equitable distribution, custody, child support, visitation and spousal support, paternity, abuse and neglect, domestic violence, family orders of protection and quasi-criminal proceedings between related parties brought in Family Court. She has tried cases in Supreme and Family Court, and negotiated divorce settlements, child custody and visitation agreements, prenuptial and postnuptial agreements and guided clients through divorce mediations. She has also represented parties in investigations and proceedings brought by the Administration for Children's Services, and represented young clients

accused of criminal behavior prosecuted in Family Court.

Ms. Hoffinger has appeared in State Courts (Appellate Division, Supreme Court, Criminal Court, Civil Court, Family Court, Housing Court and Surrogate's Court) and Federal Courts (District Court, Magistrate's Court and Bankruptcy Court), throughout New York City and in Westchester County.

## Representative Matters

- Obtained a dismissal of an indictment for murder in a "cold case"
- Represented a victim of cyber stalking by a former paramour which resulted in a mid-trial settlement agreement highly favorable to client
- Obtained a dismissal of civil action against a client accused of sexual assault, battery and infliction of emotional distress
- Represented an individual at trial accused of conspiracy to commit grand larceny, possession of stolen property and tax fraud in connection with the possession and sale of masterpiece artworks
- Represented parents in connection with abuse and neglect investigations by the Administration for Children's Services resulting in no negative findings or charges and the investigations closed
- Represented students for alleged misconduct in colleges which resulted in no charges and the investigations closed
- Negotiated numerous dismissals of criminal complaints alleging a variety of crimes including domestic violence, assault, sexual assault and resisting arrest
- Obtained dismissal of all charges against client who was a high school student accused of attempted rape and sexual assault of another student at school
- Negotiated dismissal of a criminal complaint alleging multiple violations of an out of state order of protection
- Restored custody and unsupervised visitation rights to a father who had lost custody of children previously and was under an order for supervised visitation
- Successfully negotiated a divorce settlement favorable to a client who was a victim of spousal and elder abuse including obtaining 5 year criminal order of protection in client's favor against abusive spouse
- Restored custody and unsupervised visitation rights to a parent who had lost them previously based on false allegations of domestic violence and alcohol abuse
- Obtained dismissal of fraud claims against foreign investors in the Madoff bankruptcy litigation
- Successfully represented an individual whose former spouse had refused to pay

continuing spousal support and arrears, resulting in full and immediate payment by the former spouse

## Highlights

Ms. Hoffinger has been selected as one of the Top 50 Women New York – Metro Super Lawyers for 2018 and featured in the article “The Winning Ticket.” She has been selected annually as one of New York’s Super Lawyers for Excellence in Criminal Defense since 2009. She has an AV Preeminent rating from Martindale–Hubbell Peer Review and has been selected for Martindale–Hubbell’s Bar Register of Preeminent Women Lawyers.

Ms. Hoffinger is a member of the Association of the Bar of the City of New York (Member, Council on Judicial Administration 2009–present, member, Committee on State Courts of Superior Jurisdiction 2006–2009), the New York Criminal Bar Association and the New York Women’s Bar Association (Co–Chair, Criminal Law Committee 2013–2019 and current Member, Member, Judiciary Committee 2016–present, Member, Legislation Committee 2014–2016, and Member, Solo and Small Firm Committee 2020 –present). In 2018 she was elected to serve on the New York Women’s Bar Association Board of Directors and re-elected in 2020.

In 2008 Ms. Hoffinger was appointed to the Committee on Character and Fitness for the Appellate Division, First Department. Ms. Hoffinger served as the Administrator for the New York County Democratic Party’s Independent Screening Panel for Civil Court Judges (Spring 2007) and as a panel member (Spring 2005).

Ms. Hoffinger also has served annually as a faculty member of the Cardozo Law School Intensive Trial Advocacy Program since 2002.

A 1984 graduate of Fordham University School of Law, Ms. Hoffinger was a member of the Urban Law Journal (Author, Comment, “Environmental Impact Statements: Instruments for Environmental Protection or Endless Litigation,” Fordham Urban Law Journal, Vol. XI, No. 3, 1983), the Sutherland Moot Court Team (Constitutional law) and the Moot Court Board. She was awarded Runner Up Best Oralist in the Mulligan Moot Court Competition in 1982.

Ms. Hoffinger received a B.A. (*cum laude*, with Distinction in All Areas) from Cornell University, College of Arts & Sciences in 1981.

## Prior Experience

After graduation from law school, Ms. Hoffinger worked at the Criminal Defense Division of the Legal Aid Society in New York County for seven years, first as a staff attorney and then as a supervising attorney. At Legal Aid, Ms. Hoffinger handled hundreds of felonies and misdemeanors from arraignment through trial or disposition. Felony trials included charges such as robbery, burglary, attempted murder, grand larceny, bribery and assault.

She also conducted hundreds of suppression hearings. As a supervising attorney, Ms. Hoffinger trained and oversaw junior attorneys, including “second seating” them at trial and supervised summer interns.

After the Legal Aid Society, Ms. Hoffinger worked at Hoffinger Friedland Dobrish Bernfeld & Hasen, later Hoffinger Friedland Dobrish Bernfeld & Stern, concentrating in criminal and civil litigation and trial work.

Before founding the Hoffinger Firm, Ms. Hoffinger was a founding partner at Hoffinger Stern & Ross LLP.

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