

Securities Litigation

Related Practices

Government Investigations and
Corporate Compliance

Litigation

Securities

Our securities litigation team has deep and successful experience investigating, defending, and trying administrative, civil, and criminal securities enforcement actions and securities fraud and related claims, including class actions and shareholder derivative claims arising from mergers and other transactions, financial restatements, projections, proxy contests, alleged insider trading, declining stock prices, going private transactions and more. Team members regularly represent clients before the Securities and Exchange Commission (SEC), Commodity Futures Trading Commission (CFTC), the Financial Industry Regulatory Authority (FINRA, formerly NASD), state securities commissions and Attorneys General, the Department of Justice (DOJ), and in courts and arbitrations across the country. We are also frequently called upon to advise audit and special litigation committees with respect to their critical internal investigations into allegations of fraud, breach of fiduciary duty, and other corporate wrongdoing. A number of our attorneys have inside knowledge and experience gained from prosecuting securities claims while working at the DOJ and the SEC.

We understand the complexities of securities litigation, and more importantly, how damaging claims of corporate wrongdoing can be on a company even when the claims are baseless. For this reason, our securities litigators work closely with our corporate, white collar criminal and compliance lawyers to help clients develop and implement proactive strategies to avoid future claims and to limit exposure, as well as negative publicity. We also have the experience necessary to help navigate to swift and efficient resolutions when appropriate, and always keep our client's business objectives top-of-mind.

Our clients include major Wall Street and regional firms, banks, investment advisors, financial planners, issuers and their officers and directors, and a broad range of other business clients, including those in the health care, manufacturing, transportation, energy, data processing, and high tech industries.

Experience Matters

We have:

- Obtained dismissal of a securities fraud class action based largely on the safe harbor for forward-looking statements enacted as part of the Private Securities Litigation Reform Act.
- Defeated class certification in a class action under the Commodities Exchange Act arising out of a \$70 million Ponzi scheme.
- Defended an accounting firm against over 500 securities fraud and related claims to recover investments in alleged \$250 million Ponzi-scheme by the accounting firm's client.
- Served as the court-appointed receiver in a SEC action against an investment company and its principals charged with operating a Ponzi scheme; advised and represented the receiver in recovering, liquidating and distributing assets to investors.
- Obtained a decision clearing our securities broker/investment advisor client of all charges following a seven-week administrative proceeding before an Administrative Law Judge from the SEC.

Securities Litigation (Cont.)

- Obtained a favorable settlement of SEC securities fraud charges against our former energy company executive client, and simultaneously defended the client in parallel civil litigation brought on behalf of investors and creditors.
- Represented former officer and board member of a publicly traded company in a fraud investigation by the SEC, as a result of which the SEC did not bring any charges against the client.
- Represented a senior officer of an internet company in a securities fraud prosecution.
- Represented Wall Street firms in arbitrations before FINRA.

Publications

A Primer on Virtual Litigation Practice
May 7, 2020
State Bar of Michigan

Speaking Engagements

Internal Investigations: Protecting Attorney-Client Privilege Against Increasing Attacks
March 27, 2018