



FINANCIAL AND REGULATORY LITIGATION

WHEN IT COUNTS

Barnes & Thornburg's securities litigators have tried securities fraud, securities enforcement, and corporate control cases to verdict. We have been involved in some of the largest and most complex cases of the last decade - including Enron, Global Crossing, litigation arising out of the Madoff and Petters Ponzi schemes, and others. Perhaps more importantly, we will handle your case with an eye to the costs and benefits.

Whether by managing costs through the motion to dismiss in order to preserve your self-insured retention, pairing with our insurance coverage colleagues to help make certain the claims against you are covered, or engaging in early-case assessment to determine whether your case should be settled, we will combine our years of experience with common-sense in order to help you find a pragmatic and cost-effective solution to your legal challenges. In addition, we work closely with our corporate securities and corporate governance colleagues, when the need arises, to address various issues (including potential reforms as part of the settlement process).

A partial list of our representative experience includes:

Securities Fraud Class Actions and Shareholder Derivative Suits

Barnes & Thornburg attorneys have managed the defense of securities fraud class actions and derivative suits on behalf of Fortune 500 companies, financial institutions, and the officers and boards of such companies. Attorneys also have represented underwriters and auditors with primary violation and aiding and abetting claims.

Investigations and Enforcement Actions

The GEE Blog

Visit our blog, Government Enforcement Exposed (GEE), for updates on important trends, legislation and legal issues related to the efforts of the many regulatory enforcement agencies at all levels of government.

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Firm attorneys have participated in all aspects of securities litigation, including class certification and expert opinions on loss causation and damages, in cases involving auction rate securities, alleged accounting improprieties, missed projections, restatements, allegations of fraudulent business models, and the failure to meet Wall Street's expectations.

Firm attorneys have handled formal and informal government investigations by the Securities and Exchange Commission, the Department of Labor, the United States Postal Service, the Department of Justice, the Internal Revenue Service, the United States Senate, the United States House of Representatives, and the Federal Bureau of Investigation, the PCAOB, various exchanges, self-regulatory organizations and state regulators.

In addition, firm attorneys frequently handle enforcement actions brought by regulators and disciplinary hearings brought by self-regulatory organizations. We have represented a number of clients in such cases, including those involving defendants exposed to parallel proceedings involving both civil and criminal penalties. In such cases, we work hand-in-hand with our colleagues in the White Collar Crime Group.

Securities and Commodities Industry Regulation and Litigation

Our litigators routinely represent futures commission merchants, broker-dealers, investment advisers, commodity trading advisors, commodity pool operators and other industry members in private litigation, arbitrations and regulatory investigations and enforcement actions. Whether it involves defending a broker-dealer in a three-month jury trial of a securities fraud class action, representing an underwriter in a class action under the federal securities laws, or defending an SRO disciplinary hearing, Barnes & Thornburg LLP trial attorneys have wide-ranging experience defending securities industry members against allegations of all types. Such allegations include claims of securities or commodities fraud, state racketeering violations, net capital violations, ERISA violations, failure to register, churning/reverse churning, unauthorized trading, anti-money laundering violations, U-5 defamation, selling away, misuse of customer funds, improper accounting, failure to supervise, and a host of other regulatory violations.

Corporate Governance and M&A Litigation

Companies, banks and their directors and officers can become the subjects of a wide array of corporate related actions. Receiving counseling from an experienced team of legal advisors can make a difference. Barnes & Thornburg LLP attorneys regularly guide such parties through the maze of issues related to a number of these actions, including breach of fiduciary duty claims arising out of the failure of a bank or business, disputes among partners, the prospective sale of a company, allocations in an investment portfolio, or even an attempted hostile takeover of a company.

In FDIC actions, the firm represents financial institution officers and directors with claims against them. Barnes & Thornburg LLP currently represents and counsels various directors of failed or stressed banks, assisting them in responding to FDIC inquiries and claims of indemnity. In addition, the firm also works with bank management in interpreting insurance policies and securing coverage for claims brought by the FDIC and related bank regulators against the banks officers and directors.

Because we are both litigators on behalf of financial institutions and insurance coverage advisors, we provide an added dimension in understanding the issues at stake and making sure management is protected to the greatest extent possible.

With respect to fiduciary duty litigation in the mergers and acquisition context, Barnes & Thornburg LLP attorneys have pursued and defended expedited litigation in the Delaware Court of Chancery on behalf of minority shareholders in merger transactions that would allegedly improperly freeze out or otherwise disadvantage the minority shareholders. We use our own Delaware office, to obtain the most cost-effective results possible.

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