

Martin Auerbach

OF COUNSEL | NEW YORK

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Martin is a consultant* in the litigation and arbitration team.

Martin leads the firm's White Collar and Investigations practice in New York. Martin has a national reputation in the US as a preeminent white collar and securities defense lawyer. He has served in the Judicial and Congressional branches of the US government and in the Executive branch as a member of the US Attorney's Office for the Southern District of New York where he prosecuted Marc Rich, the largest tax evasion case in US history. Martin's clients deeply appreciate the counsel and care he brings to their most daunting matters, and the exceptional results he has achieved.

He has successfully counselled and defended prominent individuals, industry leaders and leading companies in many of the highest profile white collar and regulatory matters, and parallel civil litigation, over the past three decades ranging from the Milken insider trading prosecution, to cases arising from the Mueller investigation.

Among Martin's most iconic clients are Federal Reserve Chairman Paul Volcker, and global brand Sweet'N Low. He has represented senior people in cases ranging from the JPMorgan "London Whale" scandal to the Madoff case, insider trading cases involving Michael Milken, McKinsey & Co.'s former CEO, Rajat Gupta, Martha Stewart and ImClone's CEO Sam Waksal, the SEC case against Texas billionaire entrepreneurs Sam and Charles Wyly, the KPMG tax shelter prosecution, as well as Market Timing, Research Analysts, and Municipal GIC Antitrust investigations and the US Senate Offshore Tax Haven probe, among others. In addition to prominent individuals and entrepreneurs, Martin's clients have come from institutions such as Citigroup, Prudential, Lehman Brothers, JPMorgan Chase, Jefferies, Christies, IMAX, Computer Associates and Conair/Cuisinart.

He has developed deep subject matter experience in areas ranging from financial services, securities and accounting fraud, insider trading, mail and wire fraud, the Foreign Corrupt Practices Act, RICO, money-laundering, government contracting fraud and construction, to taxes, gaming, official corruption and campaign finance violations. Martin has also led, and defended clients in, sensitive internal investigations at institutions and public companies, on subjects ranging from cybersecurity to sexual harassment.

Martin recognizes the benefits of resolving matters in private, whenever possible, and is a skilful negotiator, discreetly working to achieve optimal outcomes. Martin is also a highly effective and experienced trial lawyer. Martin's experience has given him acute awareness of the need to manage the reputational implications of high-profile matters and he works closely with the firm's Media and Reputation team to prevent or minimize those impacts.

In addition to skills refined over more than three decades of practice, Martin offers clients the business perspective born of his experiences serving in the roles of General Counsel, Chief Compliance Officer, Cybersecurity committee member and Compliance Committee member for a multi-billion-dollar private equity fund and a multi-jurisdictional gaming company, and as Consulting Counsel for the world's largest equipment rental company. His wealth of experience allows Martin to craft highly sophisticated crisis management strategies and solutions.

** Mr. Auerbach is an independent contractor of Withers Bergman LLP, and nothing herein shall be construed as creating any other relationship between Mr. Auerbach or Martin J. Auerbach, Esquire, PLLC, on the one hand, and Withers Bergman LLP or its affiliated entities (the "Firm") on the other hand, including but not limited to a partnership relationship. Neither Mr. Auerbach, Martin J. Auerbach, Esquire, PLLC, nor any of his or its employees or personnel are or shall be deemed to be employees of the Firm.*

SECRETARY **SUSAN SANTIAGO**

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TRACK RECORD

Martin has successfully represented clients in Federal and state courts across the US, before the Department of Justice, the Securities and Exchange Commission, Congress, a host of other Federal and State governmental agencies including state gaming and racing regulators, and in arbitrations before FINRA and other bodies. In addition to the US, Martin has acted for clients, and in matters, in the UK, Europe, Russia, Ukraine and other CIS countries, China, Japan, the Middle East, South America, Africa, Canada, Turkey and the Isle of Man.

Many of Martin's greatest successes have been achieved confidentially. Indeed, given the highly sensitive nature of many of his matters and the profile of many of his clients, confidentiality is often an important element of that success. Martin has persuaded prosecutors and regulators to

end investigations without charges or sanctions, secured deferred prosecutions for institutions, and obtained non-custodial sentences for individuals.

One of Martin's most visible successes came in resolving the life-threatening crisis faced by the world's largest rental equipment company, United Rentals Inc. The company was the focus of securities fraud investigations by the Department of Justice and the SEC, class action and derivative law suits, a de-listing review by the New York Stock Exchange and a potential downgrade by the major securities rating agencies. The company's remarkable recovery, following the successful end to those existential threats, is chronicled in a Harvard Business School case study.

Civil suits paralleling US Justice Department and SEC proceedings, as well as class action litigation, are another setting in which Martin's success has been achieved publicly, including the recent dismissal of class action claims against senior corporate officers accused of securities fraud and dismissal of RICO claims against a leading international mining company.

ADMISSIONS

- NY State 1978
- US Supreme Court 2019
- US Court of Appeals
- Second Circuit 1983
- US District Court
- Southern District of New York 1979
- US District Court
- Eastern District of New York 1979

MEMBERSHIPS

- New York Council of Defense Lawyers
- American Bar Association
- Association of the Bar of the City of New York

TALKS

'2021 IFSEA Virtual Conference: Session 10 - How to Navigate the Storm - Dealing with Investigations against Senior Executives and Founders'
CM Murray LLP - March 4, 2021, speaker

Lectured as adjunct faculty at NYU's Stern School of Management.

EDUCATION

Harvard College
BA (Magna Cum Laude) Biology
Harvard Law School (Cum Laude)

LANGUAGES

ENGLISH

DATES

JOINED: 2020

RECOGNITION

2021 Martindale-Hubbell US AV Rating Martin Auerbach

New York

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