

Mark Mandel

PARTNER

New York

212.655.2518

mmandel@chapman.com



Mark Mandel is a partner in Chapman's Banking and Financial Services Department and Litigation Group. Mark represents banks, broker-dealers, public companies, investment advisers, market makers, individual officers and directors, and hedge funds in securities litigation matters, as well as a broad range of investigations involving the SEC, DOJ, FINRA, CFTC, and state attorneys general. He has extensive experience representing such clients in securities class actions and parallel investigations and has been involved in numerous high-profile cases concerning, among other things, VIX index, exchange-traded funds, high frequency trading, CDOs, structured and complex products, insider trading, internal investigations, the Squawk Box investigations, auction-rate securities, options back-dating, and NYSE and SEC specialists investigations.

Prior to joining Chapman, Mark spent two decades as a litigation partner at Am Law-ranked firms. Prior to that, he served as chief of the New York office of the U.S. Securities and Exchange Commission's Division of Broker-Dealer Enforcement, where he successfully prosecuted a wide range of securities cases.

Representative Matters

- Representing an international broker-dealer in a multidistrict class action and private litigation involving the VIX index.
- Representing a leading market maker in an SEC investigation involving Reg SHO.

Mark's experience at prior firms includes:

- Obtained a no enforcement action result on behalf of a family of hedge funds in an SEC investigation concerning a purported NAV restatement and related fund mergers following the implementation of FAS 157.

Admitted

New York

U.S. Court of Appeals for the Second Circuit

U.S. District Court for the Eastern District of New York

U.S. District Court for the Northern District of New York

U.S. District Court for the Southern District of New York

Education

American University
Washington College of Law,
J.D., 1987

Hofstra University, B.B.A.,
Finance, 1984

- Obtained a no enforcement action result on behalf of a large international broker-dealer in connection with an investigation by FINRA relating to certain trading by the firm's convertible desk.
- Represented a major broker-dealer in investigations by the SEC and numerous states' attorneys' general concerning auction-rate securities.
- Represented a major broker-dealer in investigations concerning market-linked CDs and complex products.
- Represented a major broker-dealer in connection with investigations by FINRA and the SEC concerning the sale of non-traditional exchange-traded funds.
- Represented a domestic and off-shore hedge fund in litigation threatened by a Cayman Islands court-appointed receiver.
- Obtained dismissal of Section 16(b) complaint in the EDNY on behalf of an investment adviser, investment manager and hedge fund.
- Obtained the dismissal with prejudice of a large retailer from a \$100 million class-action securities fraud suit in connection with a bond tender offer.
- Successfully defended a former student loan executive in investigations brought by the New York State Attorney General, the U.S. Senate, the House of Representatives, the Department of Education and various state attorneys general concerning student-lending practices.
- Obtained the dismissal with prejudice of a major broker-dealer in a consumer class action alleging breach of fiduciary duty in connection with stock-lending practices.
- Obtained a no-enforcement action letter from the NASD (now FINRA) on behalf of a large broker-dealer in an investigation relating to "B" shares.

Honors & Awards

Securities Litigation – Defense, *The Legal 500* (2016-2018)

BTI Client Service All-Star (2013)

Publications

- "Penalties, Short-Swing Profits, and Bounties," Insider Trading Law and Compliance Answer Book, Practising Law Institute, 2011-2013
- Complex Products: Adapting to a Hostile Environment, Market Regulation Series, September 19, 2013

Presentations

- Panelist, "Private Fund Adviser Regulation and Enforcement," 2019 Private Funds Forum, September 26, 2019