

Barry W. Rashkover

PARTNER

212 335 2954
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EDUCATION

Cornell Law School, J.D.
Note Editor, Cornell Law Review
Columbia University, A.B.

ADMISSIONS

U.S. Court of Appeals, 2nd Circuit
U.S. Court of Appeals, Federal Circuit
U.S. District Court, E.D. of New York
U.S. District Court, W.D. of New York
U.S. District Court, N.D. of New York
U.S. District Court, S.D. of New York
New York

Barry is extremely bright and practical, very organized and very familiar with staff and requirements of the SEC.

2024 CHAMBERS USA

Barry Rashkover is a nationally recognized, veteran securities enforcement defense lawyer who regularly represents companies and individuals before securities regulators including the Securities and Exchange Commission (SEC), the Department of Justice (DOJ), the Financial Industry Regulatory Authority (FINRA), the Commodity Futures Trading Commission (CFTC), and state attorneys general.

Barry's sophisticated and tenacious approach guides public companies, broker-dealers, investment advisers, crypto companies, and senior company officials through their most sensitive investigations and enforcement matters.

Known for representing high-profile clients in high-stakes matters, Barry draws upon his extensive experience as a defense lawyer and a former SEC senior official to develop strategic approaches to complex legal issues. Clients seek Barry's counsel for a wide variety of securities and capital markets issues such as insider trading, market manipulation, financial reporting, cybersecurity, fiduciary duty, executive compensation, broker-dealer and investment adviser compliance, complex financial products, disclosure issues, and matters arising under the Foreign Corrupt Practices Act (FCPA).



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Barry creates for each matter a proactive strategy designed to achieve the client's objectives. As an advocate, he constructs the big picture while mastering the details. He is an effective negotiator who advances his clients goals while understanding the mindset of the regulators across the table. Should litigation be the best option to achieve his client's goal, Barry has a proven record in court, including all forms of motion practice, trials, and appeals. Barry is a versatile lawyer who routinely coordinates the defense of regulatory investigations with parallel civil litigation and criminal cases.

Barry has been ranked in *Chambers USA* and other directories of top attorneys for many years. Sources quoted in *Chambers* recognize Barry as an "A-team player," "absolutely fantastic," "very knowledgeable," "an excellent lawyer with keen insight," "strategic," and a "formidable" advocate. *Chambers* sources say that he is a "very strong and very insightful lawyer" and "has the trust and respect of the SEC staff." Barry is also named a "National Practice Area Star" and "Litigation Star" in Benchmark Litigation.

Before joining Walden Macht & Haran, Barry was co-head of the global Securities Enforcement and Regulatory practice at a major international law firm. Under his leadership, the practice received many industry-standard accolades, including recognition from *Chambers USA* as "Firm of the Year" for Financial Services and Securities Regulation; *US News - Best Lawyers®* "Law Firm of the Year" for Litigation - Regulatory Enforcement, and *US News - Best Lawyers®* "Law Firm of the Year" for Securities Regulation.

Barry's distinguished career includes holding several high-level positions at the SEC, including co-head of Enforcement and Associate Director for the SEC's Northeast Regional Office (now known as the New York Office) and SEC senior trial counsel. Barry led some of the SEC's most important enforcement matters, including actions against NYSE specialist firms for unlawful proprietary trading (resulting in a \$240 million global settlement); financial reporting cases involving Adelphia Communications Corp. and Computer Associates International, Inc.; the SEC's first-ever enforcement action against the NYSE; cases arising out of improper proprietary trading by NYSE floor brokers; insider trading cases, such as *SEC v. Samuel Waksal* and *SEC v. Martha Stewart and Peter Bacanovic*; and federal court cases halting ongoing fraud, including *SEC v. The Bennett Funding Group, Inc.*, involving one of the largest securities "Ponzi" schemes in U.S. history. He co-chaired the SEC's trial team to victory in the jury trial of the "Southampton Seven" insider trading case.

Barry is a sought-out thought leader covering securities enforcement and litigation issues. He has participated in programs sponsored over the years by leading organizations such as SIFMA, the SEC Historical Society, the New York City Bar Association, American Conference Institute, Directors Roundtable, Glasser LegalWorks, Practising Law Institute, Legal IQ, the SEC, the DOJ, and Cornell Law School.

Experience

Represents public companies and senior officials in SEC investigations concerning a broad range of issues, such as financial reporting, FCPA, disclosure, executive compensation, internal controls, and Regulation FD.

Conducts sensitive internal investigations for public companies and their Boards.



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Represented investment advisers and principals in approximately 70 SEC investigations or examinations concerning regulatory priority issues, such as allocation of investments, fund expenses, adviser compensation, valuation of fund holdings, cross trades, disclosure of investment risk and fund objectives, material non-public information (MNPI) policies and procedures, alternative data, ESG, and adequacy of compliance procedures.

Represents major Wall Street firms in SEC and FINRA matters involving a broad spectrum of regulatory issues, such as Regulation SHO, anti-money laundering, trade surveillance, customer protection rule, high-frequency trading, and MNPI procedures.

Defends prominent crypto firms in cutting-edge regulatory investigations, including matters focused on registration, whether tokens are securities, and extraterritorial jurisdiction.

Defends individuals, fund advisers, and broker-dealers in SEC enforcement matters concerning alleged insider trading or MNPI policies and procedures.

Conducts internal investigations into MNPI issues and advises on MNPI policies and procedures.

Represents financial institutions and public companies in investigations concerning cyber issues, including matters involving Regulation S-ID, disclosure, and internal controls.

Defended a major international bank in DOJ, SEC, State Attorney General, and other multi-year investigations into the creation and underwriting of Residential Mortgage-Backed Securities up to the financial crisis.

Represented businesses and individuals in SEC litigation and successfully defended emergency relief litigation against the CFTC.

Served as head of the defense of a British Bankers' Association (BBA) panel bank in high-profile CFTC, DOJ, and state investigations into setting LIBOR.

Defended investment advisers and broker-dealers in numerous investigations about perceived stock manipulation and issues under Rule 105.

Recognitions

- Chambers USA, Nationwide Securities Regulation: Enforcement (2010-2024)
- Benchmark Litigation, National Practice Area Star (2021-2023)
- WWL Business Crime Defence
- U.S. News – Best Lawyers®
- WWL Global Investigations Review (2023)
- The Legal 500
- SEC's "Stanley Sporkin Award" for outstanding contributions to the agency's enforcement program (1999)



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Activities

- Cornell Law School Advisory Council, member
- SEC Historical Society, Board of Advisors
- Adams Street Foundation, trustee
- Federal Bar Council, member
- National Committee on U.S.-China Relations, member
- New York State Bar Association, White Collar Committee
- Fordham Law School, former adjunct professor on insider trading and securities fraud issues