



## SCOTT S. BALBER

### MANAGING PARTNER

[New York](#)

Scott Balber is the Managing Partner of Herbert Smith Freehills' New York office and is the US Head of Investigations and Financial Services Litigation for the firm.

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## BACKGROUND

Scott obtained his J.D. in 1994 from Duke University School of Law, with honors, where he served on the Moot Court Board. He earned his B.A. in 1991, magna cum laude, from Princeton University.

Scott is recognized as a "Notable practitioner" in the areas of "Corporate Investigations" and "Employment" in the 2018 edition of *Chambers Global*. He is also recognized in *Benchmark: Litigation* as a "New York: Local Litigation Star" in the areas of Bankruptcy, Commercial Litigation, Intellectual Property, Plaintiffs' and Securities Litigation; and from 2009 to present he has been named to the *Super Lawyers* list. In addition, he secured a \$25 million jury verdict after a three week trial in New York Supreme Court which ranked 16th in *The New York Law Journal's* "Top 25 Verdicts of 2009".

Scott is fluent in Spanish.

## KEY SERVICES

[Dispute Resolution](#)

[Corporate Crime and Investigations](#)

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## **EXPERIENCE**

As a litigator and trial lawyer with 25 years of experience, Scott's practice focuses on internal investigations, securities and financial services litigation, and white collar criminal defense. Scott has first-chaired more than thirty jury and bench trials and he has appeared in the United States Supreme Court and in state and federal trial and appellate courts throughout the United States. He has also represented clients in connection with investigations before both chambers of the United States Congress.

Scott has represented:

### **WHITE COLLAR DEFENSE AND INVESTIGATIONS**

- a group of clients in connection with US congressional and Special Counsel investigations into alleged Russian influence in the 2016 US presidential election
- a global investment bank in a series of investigations regarding an alleged leak of material non-published information
- a group of asset managers in connection with a FINRA investigation into improper use and disclosure of firm research
- members of the Russian Olympic Biathlon team in connection with various anti-doping related proceedings
- a securities broker-dealer firm in connection with a Securities and Exchange Commission investigation of potential violations of SEC Regulation ATS, governing the operations of alternative, non-exchange trading systems
- a Russian state-owned energy company in connection with a United States Department of Justice FCPA investigation and prosecution of the company's US head
- a global manufacturing company in conducting an internal investigation arising out of fraudulent sales practices and alleged money laundering in the United States, Europe and Asia
- a global investment bank in an internal investigation of insider trading issues
- a mutual fund investment advisor in an SEC investigation concerning directed brokerage, 12b-1 fee, soft dollar and proprietary trading issues

- the Chief Executive Officer of a Fortune 500 healthcare company in defence of actions commenced by the US Department of Justice and Securities and Exchange Commission alleging financial fraud, insider trading, money laundering and obstruction of justice

## **FINANCIAL SERVICES AND SECURITIES LITIGATION**

- a financial services firm in securing a win on summary judgement and successfully enjoining an arbitration improperly commenced by a group of investors at a now-defunct biotechnology company
  - a financial services firm and related entities in a federal RICO suit pending in the Northern District of California arising out of the financing of certain privatized military housing projects
  - a Swiss bank in obtaining a \$25 million jury verdict after a three week trial in New York Supreme Court alleging that it was sold fraudulent promissory notes issued by a Parmalat subsidiary and sold by a large Italian bank
  - a Jersey Island trustee and British Virgin Island receiver in obtaining a \$37 million judgment in New York Supreme Court against the trust protector and entities under his control
  - a global financial institution in connection with multiple litigations involving credit default swap transactions worth approximately \$4.25 billion against MBIA Insurance Corporation and certain of its affiliates
  - a global investment bank in securities fraud and breach of contract actions commenced by 65 institutions and high net worth individuals who allegedly sustained \$600 million in losses in market neutral hedge fund investments
  - a Swiss-based private equity firm in connection with claims arising after sale of a portfolio company
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