

MANAGING PARTNER

Matthew L. Schwartz

New York

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PROFILE

Matthew's practice focuses on government and internal investigations, white collar defense, regulatory compliance, and complex civil litigation. A "buttoned-up assassin in the courtroom" praised for his "laser-like focus and precision," Matthew "possess[es] the consistent ability to take knotty issues and distilling them to their essence" (Forbes, December 2014). He has first-chaired numerous jury and non-jury trials and personally argued more than a dozen federal appeals.

From 2005 to 2015, Matthew was a federal prosecutor in the Southern District of New York. As a senior member of that office's Securities and Commodities Fraud Task Force, he led a number of high-profile matters, including the investigations and deferred prosecution agreements with JPMorgan and Commerzbank AG on BSA/AML charges; the investigation and prosecutions related to the "London Whale" trades; and all aspects of the government's investigation of Bernard L. Madoff Investment Securities. He conducted investigations in parallel with the SEC, CFTC, OCC, Federal Reserve Board, FinCEN, OFAC, and PCAOB; state Attorneys General and other regulators, such as the New York State Department of Financial Services; and foreign regulators and law enforcement, such as the UK Financial Conduct Authority.

Among other acknowledgements, New York Law Journal named Matthew a **Rising Star** in 2017, Law360 named him to its "Top Attorneys Under 40" list in 2016, and Ethisphere in 2015 named him to its list of "Attorneys Who Matter." He is a three-time recipient of the DOJ's John Marshall Award—the highest award given to lawyers—and was named 2013 Prosecutor of the Year by the Federal Law Enforcement Foundation.



PRACTICES

Financial Institutions and Private Equity Litigation
Technology
Crisis Management
Global Investigations and White Collar Defense

EDUCATION

Columbia Law School, J.D., *Harlan Fiske Stone Scholar*; Thomas E. Dewey Prize; Head Writing and Research Editor, Columbia Journal of Law and Social Problems; Finalist, Harlan Fiske Stone Honors Moot Court Competition
Columbia University, B.A., Physics, Philosophy

ADMISSIONS

Bars

New York
U.S. Supreme Court
U.S. Court of Appeals: Second Circuit
U.S. District Court: Southern District of New York
U.S. District Court: Eastern District of New York
U.S. District Court: District of Colorado

AWARDS AND ASSOCIATIONS

Lawdragon 500 Leading Lawyers in America (2021-2022)

GOVERNMENT SERVICE

Matthew is a member of the firm's Executive Committee.

Assistant U.S. Attorney, Southern District of New York

EXPERIENCE

Matthew's recent experience includes:

- Representing Hollywood production company Red Granite Pictures in the government's historic \$1 billion civil forfeiture action against "The Wolf of Wall Street," stemming from allegations of foreign corruption in what the Department of Justice has called the biggest "kleptocracy" case ever
- Representing Silicon Valley-based Ripple Labs in the first ever DOJ-FinCEN enforcement action against a digital currency company for anti-money laundering violations, obtaining an extremely favorable result
- Representing the city of Almaty, Kazakhstan and BTA Bank in racketeering litigation stemming from the theft of billions of dollars by the former mayor of the city and chairman of the bank
- Representing daily fantasy sports company DraftKings in connection with various challenges to the legality of its business model
- Representing AIG in a multibillion dollar tax dispute with the U.S. government concerning allegations that AIG's transactions lacked economic substance
- Representing numerous individuals and entities in non-public investigations conducted by the Department of Justice, FinCEN, SEC, IRS, and other law enforcement agencies

The significant cases Matthew led while at the U.S. Attorney's Office include:

- The investigation and deferred prosecution of JPMorgan Chase Bank, N.A., for violations of the Bank Secrecy Act, resulting in the largest ever pure anti-money laundering penalty (\$1.7 billion)
- The investigation and deferred prosecution of Commerzbank AG for violations of the BSA and, in a companion investigation, OFAC sanctions, resulting in a \$1.45 billion penalty
- All aspects of the investigation of the Bernard L. Madoff Investment Securities fraud, including the six-month long trial of five former Madoff associates and the forfeiture of nearly \$9 billion (including the two largest civil forfeitures ever at the time). Matthew also oversaw the DOJ's extensive victim remission process and coordinated all aspects of the government's interactions with the SIPA Trustee
- Investigating and prosecuting two traders in connection with the "London Whale" trades, which cost JPMorgan's Chief Investment Office more than \$6 billion

CLERKSHIPS

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Hon. Thomas J. Meskill, U.S. Court of Appeals: Second Circuit

Hon. Shira A. Scheindlin, U.S. District Court: Southern District of New York

- Representing the Treasury Department, CIA, and certain high-ranking government officials in a challenge to the so-called “Terrorist Finance Tracking Program,” under which OFAC allegedly issued broad administrative subpoenas to SWIFT for all financial messaging information. Matthew secured a dismissal of all claims, which he successfully defended on appeal
- Representing the Treasury Department, Presidential Task Force on the Auto Industry, and other government agencies in the bankruptcy of General Motors. Among other things, Matthew acted as the primary courtroom advocate for the government in this historic case (at trial and on appeal), successfully defending the government’s \$33 billion loan package to GM and allowing the company to avoid a disastrous liquidation

PUBLICATIONS & PRESENTATIONS

Co-author, **In the Eye of the Beholder: The DOJ's Overreliance on 'Taint Teams' to Review Privileged Communications**, Global Investigations Review (March 2022)

Co-author, **The Fifth Amendment Is for Innocent People, Too** (January 2020)

A New Federal Theory of Corruption? New York Law Journal (December 11, 2017)

Ruling In \$100 Million Government Seizure Case Endangers Due Process Rights, Westlaw (July 26, 2017)

Co-author, **Should Banks Be Criminally Liable for Not Reporting Fishy Emails?**, American Banker (April 19, 2017)

Co-author, **First Reactions to the U.K.'s Second Deferred Prosecution Agreement**, New York Law Journal (August 4, 2016)

Co-author, **Get Ready for the Next Phase in Cyberattacks**, The National Law Journal (October 5, 2015)

Co-author, **FinCEN Employing New Tactics to Combat Money Laundering**, New York Law Journal (May 1, 2015)

Co-author, **How Criminal Prosecutors Investigate Violations of the Bank Secrecy Act**, Inside Counsel (March 10, 2015)

Using the Criminal Law to Combat Insider Banking Misconduct, 35 Colum. J. L. & Soc. Probs. 371 (2002)

With All Due Deference: Judicial Responsibility in a Time of Crisis, 32 Hofstra L. Rev. 795 (2004) (w/ Hon. Shira A. Scheindlin)

Apportioning Discovery Costs Under Zubulake v. UBS Warburg LLC, ABA Bus. Torts. J. (2004)

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Prior results do not guarantee a similar outcome.