



Martin L. Perschetz *Of Counsel*

Contact

+1 212.756.2247

martin.perschetz@srz.com

919 Third Avenue

New York, NY 10022

Concentrates in the areas of white-collar criminal defense, SEC enforcement, securities litigation, accountant's liability and other large commercial litigation.

With the firm for more than 30 years, Marty was previously an Assistant U.S. Attorney for the Southern District of New York, where he was chief of the Major Crimes Unit and led a team of prosecutors in the investigation and prosecution of federal criminal cases involving a wide variety of complex business and tax frauds. Immediately before coming to Schulte, he served as chief counsel to the Mayor of New York City's Special Commission to Investigate City Contracts and as deputy commissioner of the New York City Department of Investigation.

Drawing on four decades of broad and deep prosecutorial, investigative, defense and trial experience, Marty has represented a wide array of clients in significant matters involving federal and state prosecutors, the

SEC, the NYSE and FINRA as well as in large and complex private civil litigation and in corporate internal investigations.

His clients in securities and financial statement matters have included PricewaterhouseCoopers LLP and Big Four accounting firm auditors; investment funds Millennium Partners and The Clinton Group; various other large financial institutions and public companies, such as Monster Beverage Corporation; and former senior officials at Merck, Vivendi Universal, Kmart Corp. and other large companies.

In the Vivendi Universal matter, following a four-month trial in the Southern District of New York, the jury returned a verdict in favor of Marty's client, Vivendi's former Chief Financial Officer, on all claims against him. Believed to be the largest federal securities class action ever to proceed to a jury verdict, the case involved numerous complex issues under the antifraud provisions of the federal securities laws, and under U.S. and French Generally Accepted Accounting Principles. The American Lawyer named Marty a "Litigator of the Week" for his successful work on the Vivendi trial.

In addition, Marty successfully defended the former chief scientist of Merck & Co. Inc. in a high-profile securities class action and related cases concerning the painkiller Vioxx.

Practices

LITIGATION

COMPLEX COMMERCIAL LITIGATION

REGULATORY AND COMPLIANCE

SECURITIES LITIGATION AND CLASS ACTION

SEC ENFORCEMENT AND WHITE COLLAR DEFENSE

Bar Admissions

New York

Court Admissions

US Supreme Court

US Court of Appeals, Second Circuit

US Court of Appeals, Third Circuit

US Court of Appeals, Sixth Circuit

US District Court, Southern District of New York

US District Court, Eastern District of New York

US District Court, Northern District of New York

US District Court, District of Colorado

US District Court, Eastern District of Michigan

Education

State University of New York at Buffalo Law School, J.D.

▪ Case & Comment Editor, *Buffalo Law Review*

University of Maryland, B.A.,
with honors

Publications

- Securities Enforcement Quarterly, *Schulte Publication*, February 2023
- Securities Enforcement Quarterly, *Schulte Publication*, August 2022
- Securities Enforcement Quarterly, *Schulte Publication*, May 2022
- Securities Enforcement Quarterly, *Schulte Publication*, January 2022
- Securities Enforcement Quarterly, *Schulte Publication*, October 2021; republished in the *Harvard Law School Forum on Corporate Governance*, November 2021
- Securities Enforcement Quarterly, *Schulte Publication*, July 2021
- Securities Enforcement Quarterly, *Schulte Publication*, April 2021
- “Scienter: Trading ‘On the Basis Of,’” *Insider Trading Law and Compliance Answer Book* (Practising Law Institute), 2011-2020
- “Regulatory Change: 2015 Diagnosis, 2016 Prognosis — Schulte Roth & Zabel’s Leading Securities Litigation Practice,” *The Hedge Fund Journal*, November 2015 (profile)
- “Newman’s Aftermath: District Court Vacates Four Insider Trading Guilty Pleas; Government Seeks Rehearing in Second Circuit,” *Schulte Client Alert*, Jan. 27, 2015 (co-author); republished in *The Hedge Fund Journal*, February/March 2015
- “Second Circuit Clarifies Insider Trading Liability of Tippees,” *Schulte Client Alert*, Dec. 15, 2014 (co-author); republished in *The Hedge Fund Journal*, January 2015
- *Schulte Insider Trading Developments Newsletter*, Summer 2014 (contributor)

Speaking Engagements

- “Regulatory Examinations and Enforcement,” Schulte 23rd Annual Private Investment Funds Seminar, January 2014
- “Crisis Management: Handling Government Investigations,” Schulte 20th Annual Private Investment Funds Seminar, January 2011
- “Recent Developments in Civil Litigation,” PLI Auditor Liability in the Current Environment 2010: How to Protect Yourself, October 2010
- “Privilege Issues in Troubled Times: Perspectives from In-House & Outside Litigation Counsel,” City Bar Center for CLE, April 2009
- “A Conversation with [Connecticut U.S. Attorney] Kevin O’Connor,” Schulte 17th Annual Private Investment Funds Seminar, January 2008
- Greenwich Private Investment Funds Seminar, May 2007
- “Enforcement and Litigation Update: What Are the Regulators up to and Impact on Civil Litigation,” Schulte 16th Annual Private Investment Funds Seminar, January 2007
- Schulte Securities Enforcement Seminars, 2000–06
- “Federal and State Enforcement: A New Way of Thinking About Dealing with Securities Regulators,” Schulte Private Investment Funds Seminar, January 2004
- “Corporate Criminal Liability,” Annual General Counsel Conference, Law Journal Seminar Series, June 1993–2004

Memberships

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

Distinctions

- Named “Litigator of the Week” by *The Am Law Litigation Daily* for his defense of former CFO in *In re Vivendi Universal, S.A. Securities Litigation*
 - *Benchmark Litigation: The Definitive Guide to America’s Leading Litigation Firms & Attorneys*
 - *The Best Lawyers in America*
 - *Chambers USA*
 - *International Who’s Who of Business Crime Defence Lawyers*
 - *The Legal 500 United States*
 - *New York Super Lawyers*
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Prior Experience

- Assistant U.S. Attorney, Southern District of New York, 1980-86
 - Chief, Major Crimes Unit, 1985-1986
- Chief Counsel to City of New York Special Commission to Investigate City Contracts, 1986
- Deputy Commissioner of the New York City Department of Investigation, 1986
- Associate, Obermaier, Morvillo & Abramowitz, 1977-80