

BARRY J. MANDEL
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Over 40 years of experience as outside counsel, in house counsel and at the Securities and Exchange Commission, in handling a wide variety of complex, high profile, civil, criminal, arbitration and regulatory matters. Tried over 40 regulatory, criminal, civil, employment and arbitration cases.

Foley & Lardner LLP (May 2009 - September 2016)

- Securities litigation
- Securities and commodity futures regulatory and law enforcement investigations
- Internal investigations
- Independent consultant to the NYSE in connection with the settlement of an SEC enforcement action
- Headed the Firm's Securities Enforcement and Litigation practice group
- Member of the Firm's Securities, Commodities and Exchange Regulation practice group

Merrill Lynch & Co., Inc. (May 1992 - January 2009)

Managed all litigation, employment and regulatory investigations and supervised over 75 lawyers, paralegals and other personnel

- Joined Merrill Lynch in 1992 as First Vice President and Assistant General Counsel
- In 1995 became manager of the Regulatory Group
- In 1996 assumed additional responsibility for the Global Private Client and Corporate and Institutional Client Compliance Departments
- In 1998 assumed additional responsibility for Global Litigation and was appointed General Counsel for Global Litigation, Compliance and Regulatory Affairs
- In 2001 named Senior Vice President and General Counsel for Global Litigation, Employment and Regulatory Affairs

Personally handled Merrill Lynch's largest, most sensitive and most complex regulatory, criminal / civil matters including:

- Municipal crisis (US Attorney, SEC, Massachusetts Attorney General, Massachusetts Securities Division, Washington D.C.)
- Sumitomo (CFTC, London Metals Exchange, civil litigation)
- Codelco (Chilean copper company)
- Enron (Department of Justice, SEC, Congressional hearings, civil litigation)
- Net Capital (NYSE)
- Research analysts (New York Attorney General, SEC, NASAA, civil litigation, arbitrations)
- Market timing (Regulatory settlements and litigation)

- Auction Rate Securities (New York Attorney General, Massachusetts Securities Division, NASAA, SEC, civil litigation)

Also headed the Legal Department Diversity Committee

Baer Marks & Upham (February 1977 - April 1992)

- Securities, commodities and employment discrimination litigation
- Securities, commodities regulatory investigations
- White Collar defense of commodity tax fraud investigations and trials

Matters included:

- Representation of Commodity Exchange Inc. in the “silver” commodity futures litigation where the “longs” and “shorts” sued in lawsuits over the Hunt brothers attempt to corner the world’s supply of silver
- Representation of defendants charged with using the crude oil futures market to establish fictitious tax losses
- Representation of a major university charged with gender discrimination in denying tenure

Securities and Exchange Commission (July 1972 - February 1977)

Staff Attorney and Chief Attorney in Branch of Enforcement, New York Regional Office

Handled various investigations and civil, criminal contempt and administrative trials

Education

Brooklyn Law School
J.D. 1971

City College of New York
BBA Accounting 1967

Admitted

State of New York, United States Supreme Court, United States Court of Appeals for the Second Circuit and the United States District Courts for the Southern and Eastern District of New York

Professional Activities

Peer Review Rated as AV Preeminent, the highest performance rating in Martindale-Hubbell’s peer review rating system

Included in The Best Lawyers in America since 2012

Frequent and regular speaker at various seminars and conferences, including the annual SIFMA Law and Compliance meeting (for over 35 years) on regulatory and criminal enforcement, handling regulatory matters, securities litigation, ethics and internal investigations

Former member of the SIFMA Compliance and Legal Division Executive Committee