



Maxim M.L. Nowak

Counsel

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Maxim (“Max”) Nowak is a Counsel in Herrick’s Litigation Department. Max’s practice focuses on complex commercial and employment litigation, regulatory defense, internal investigations and crisis management. As a former senior in-house litigator, Max brings a commercially savvy perspective to his clients and appreciates the need for effective & efficient counsel in all manner of disputes. Max has deep experience representing corporate and individual clients in high-stakes cross-border investigations, criminal matters, regulatory enforcement actions (SEC, CFTC, PCAOB, FINRA, NYSAG) and related parallel litigation. Max also has extensive experience representing clients in a wide variety of complex commercial litigation in state and federal courts across the Country. Max has advised clients in the financial services, transportation and logistics, hospitality, education, real estate, parking, energy and defense sectors.

Max has always dedicated significant time to pro bono matters, for which the New York State Bar Association has honored him as an Empire State Counsel.

Immediately prior to joining Herrick, Max served as Vice President & Assistant General Counsel at REEF Technology, Inc., a Miami-based hyper-growth real estate, parking and culinary technology company with 18,000 employees across the Globe. At REEF, Max ultimately oversaw the Company’s internal investigations, crisis management, commercial litigation and employment disputes portfolios.

Services

- Litigation
- Corporate Litigation
- White Collar Defense & Investigations
- Securities Litigation and Enforcement
- Employment Litigation
- Alternative Dispute Resolution
- International

Education

- Fordham University School of Law (J.D., 2012)
 - Fordham Urban Law Journal: Senior Articles Editor, 2011-2012 + Ruth Whitehead Whaley Scholar
 - Ruth Whitehead Whaley Scholar
 - Archibald R. Murray Award for Public Service, Magna Cum Laude
- University of Michigan (B.A., *with honors*, 2009)

Recognitions and Accolades

- *SuperLawyers* Rising Star - White Collar Criminal Defense (2017 - 2020) *No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

Memberships & Associations

- New York City Bar Association
 - Member, In-House Counsel Committee
 - Member, White Collar Criminal Law Committee (former)
 - Secretary, Federal Courts Committee (former)
- Fordham Law School Recent Graduates Committee (former)

Prior Associations

- Intern to the Hon. Brian M. Cogan
 - United States District Court, Eastern District of New York, 2011
- Hogan Lovells US LLP
 - Associate, 2012 - 2016
- Kramer Levin Naftalis & Frankel LLP
 - Associate, 2016 - 2020
- REEF Technology Inc.
 - VP, Assistant General Counsel, 2020 - 2022

Previously Published Works and Lectures

- Speaking Engagements:
 - Fordham University School of Law, *The Art of In-House Counsel*, Professor Theresa K. Mohan
 - Cardozo School of Law, *Corporate Internal Investigations*, Professor Steven M. Sparling
 - University of Illinois Chicago School of Law, *The Art of Mediations*, Professor Justin Van Dyke
- Publications:
 - Paul H. Schoeman & Maxim M.L. Nowak, *Something Old, Something New: Securities Enforcement in the Age of Social Media*, *New York Law Journal* (Dec 7, 2018)

Previous Private Practice Experience

Regulatory Defense & Investigations

- Represent a prominent investment advisor in connection with the collapse of an open-ended credit fund.
- Successfully defend the targets of an SEC investigation into the litigation funding industry.
- Defend a broker-dealer in a FINRA inquiry.
- Defend the Chief Reporting Officer of a multinational bank in a U.S. Treasury Department investigation.

- Act on behalf of a C-level executive in a SEC investigation of a large venture capital firm.
- Defend an international auction house in a tax-related investigation conducted by the NYSAG.

Criminal Defense & Investigations

- Defend a prominent auction house in a sales tax investigation conducted by the Manhattan District Attorney's Office.
- As CJA counsel, obtain a downward variance at sentencing for a defendant charged with violating § 18 U.S.C. § 922(g) in the Southern District of New York.
- Defend a medical practitioner indicted in an Anti-Kickback Statute matter in the Southern District of New York.
- Serve as pool counsel in a long-running Anti-Kickback Statute and Off-Label investigation in the District of New Jersey.
- Defend the target of a federal inquiry into the closure of New York's Moreland Commission to Investigate Public Corruption.
- Defend a major non-profit in the investigation into former New York State Senate Majority Leader Sheldon Silver.
- Defend a real estate developer in an investigation conducted by the Office of Special Counsel Robert Mueller, III.
- Defend the Chairman of a Swiss Privatbank in an investigation conducted by the Department of Justice Tax Division.
- Defend a multinational shipping company in a criminal antitrust and FCPA investigation conducted by the Department of Justice.
- Defend a major United Kingdom based financial institution in U.S. Dollar & Sterling Libor investigations conducted by the DoJ, USAO, UK FCA, CFTC and NYAG and related Multidistrict class action litigation.
- Defend the Chief Audit and Compliance Officer of an international auto manufacturer in a securities investigation conducted by the USAO.
- Defend executives of an international re-insurance broker in an FCPA investigation..
- Act on behalf of the pension fund of a major South American oil company in a fraud investigation.
- Defend the Chief Accounting Officer of an automotive manufacturer in a DoJ and SEC fraud investigation.

Internal Investigations

- First chair an internal investigation into allegations of sexual assault at a Manhattan educational institution.
- Investigate allegations of accounting irregularities at a major real estate technology firm.
- Defend a RMBS trader in an investigation into spoofing.
- Defend a senior apparel executive in a bribery investigation.
- Defend the Chief Accounting Officer of an automotive manufacturer in an internal investigation.
- Conduct an internal investigation on behalf of a Hedge Fund into allegations of employee misconduct.

- Conduct an internal investigation on behalf of a service provider into allegations of IP theft.
- Defend a partner in a hospitality group in an investigation into potential misconduct.

Accountant's Liability & Investigations

- Defend a Big-4 audit partner in an SEC investigation into bond offerings.
- Defend the U.S. partnership of a Big-4 accounting firm in connection investigations conducted by the PCAOB, SEC and USAO in connection with CMBS fraud at a major financial services conglomerate.
- Defend a foreign member firm of a Big-4 accounting network in a PCAOB independence inquiry.
- Defend a Big-4 International Network in an SEC independence inquiry.
- Represent a mid-sized regional accounting partnership in an SEC fraud inquiry.

Compliance Advisory

- Advise a sovereign wealth fund on compliance and document retention issues.
- Advise a Chicago-based investment advisor on its compliance procedures.
- Advise an international auction house on tax and compliance issues.

Complex Civil Litigation

- Act on behalf of former Bear Stearns Chairman James Cayne in a 10b-5 litigation in the Southern District of New York (*Sherman v. Bear Stearns Companies Inc. et al.*, No. 1:2009-cv-08161).
- Successfully defend former Bear Stearns Chairman James Cayne in TILA and 10b-5 litigations in the District of New Hampshire and United States Court of Appeals for the First Circuit.
- Defend a Manhattan real estate developer in litigation related to the Mark Hotel.
- Defend an investment advisor in various employment litigations.
- Represent a witness in *SEC v. Tourre*, 10-cv-03229 (S.D.N.Y.).
- Defend the former COO of a hedge fund at arbitration.
- Bring a AAA arbitration against a venture capital fund on behalf of a wealthy foreign investor.

Employment Litigation

- Represent a Real Estate & Hospitality unicorn in various employment litigations with issues including: wrongful termination, harassment, discrimination, wage/hour issues, FLSA, me

Pro Bono

- Successfully obtain contested asylum for clients from Jamaica, Burundi & Pakistan and Iraq.
- Represent a Manhattan private school in a pre-litigation investigation and supervise insurance counsel.
- As co-counsel with the Brooklyn Defender Services, appeal excessive bail determinations for numerous indigent defendants in Kings County Supreme Court.

- Represent indigent criminal defendants in the Southern District of New York.
- Represent the City of New York in EBTs in tort actions pending in New York Supreme Court.
- Represent the victim of domestic abuse in an investigation conducted by the NYPD.
- Serve on various UJA Federation of New York committees.