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BARRY J. MANDEL

Partner

Barry J. Mandel is a partner at Foley & Lardner LLP, where he is chair of the Securities Enforcement & Litigation Practice and a member of the Securities, Commodities & Exchange Regulation Practice.

Prior to joining Foley, Mr. Mandel served as senior vice president and general counsel for Global Litigation, Employment and Regulatory Affairs at Merrill Lynch & Co., Inc., where he managed all litigation, employment and regulatory matters, evaluated litigation risk and supervised over 50 lawyers. He also held a variety of other legal management roles at Merrill Lynch during his 17 year tenure at the company. Mr. Mandel personally handled Merrill Lynch's largest, most sensitive and most complex regulatory, criminal and civil matters, including the municipal crisis, Sumitomo, Codelco, Enron, research analysts, market timing and auction rate securities.

Prior to joining Merrill Lynch, Mr. Mandel was a litigator with Baer Marks & Upham LLP where he practiced for 15 years and also served on the firm's management committee. He handled a wide variety of civil, criminal, and regulatory matters, including investigations by securities, commodity futures and law enforcement authorities, securities litigation, the "silver" commodity futures litigation on behalf of the Commodity Exchange, Inc. ("Comex"), criminal commodity futures tax fraud trials and gender discrimination litigation.

Mr. Mandel began his career as an attorney with the U.S. Securities and Exchange Commission (SEC) and also served as branch chief in its Division of Enforcement, New York Regional Office, where he handled various investigations, and civil, criminal contempt and administrative trials, including cases that went to the U.S. Supreme Court and U.S. Court of Appeals for the Second Circuit. Mr. Mandel's cases also involved cutting edge issues such as the definition of a security, scienter, Fifth Amendment rights and the first NYSE firm to be liquidated by SIPC.

In recognition of his experience, Mr. Mandel has been Peer Review Rated as AV® Preeminent™, the highest performance rating in Martindale-Hubbell's peer review rating system. He was also selected by his peers for inclusion in the 2012 edition of *The Best Lawyers in America*®.

Mr. Mandel received his J.D., from Brooklyn Law School in 1971 and his BBA in accounting from the City College of New York in 1967. He is a former member of the SIFMA Compliance and Legal Division Executive Committee. Mr. Mandel is a frequent and regular speaker at various seminars and conferences, including the annual SIFMA Law and Compliance meeting on topics in regulatory and criminal enforcement, handling regulatory matters, securities litigation, ethics and internal investigations.

Recent Presentations and Publications:

"Civil Litigation Developments," Derivatives and Futures Law Committee, Meeting of the ABA Business Law Section 2011

"Inside Information - The Latest Rounds," Foley's National

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"Attorney-Client Privilege and the Internal Investigation: Basics and Developments," Foley CLE Seminar, New York, January 10, 2011

"Whistleblowers – The SEC's New Proposed Rules," *Corporate Secretary Think Tank*

"Supreme Court Narrows Honest Services Fraud Statute in Appeal of DOJ's Blockbuster Corporate Fraud Conviction *United States v. Skilling*," *Foley Legal News Alert*

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"Enforcement and Litigation: The Aftermath," SIFMA Fall Conference

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"Current Ethical Issues for In-House Counsel and Those Who Advise Them," Association of the Bar of the City of New York

"Predicting SCOTUS In *Merck V. Reynolds*," *Appellate Law 360*

Mr. Mandel is admitted to practice in New York, before the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and before the United States District Courts for the Southern and Eastern Districts of New York.