

Rising Star: Mayer Brown's Matthew Ingber

By Allison Grande

Law360, New York (March 29, 2011) -- Mayer Brown LLP's Matthew Ingber has played a vital role in crafting winning strategies for Bank of New York Mellon Corp. in a bankruptcy trustee's \$550 million lawsuit over an alleged fraudulent investment scheme and for a New York Stock Exchange specialist in a pivotal criminal securities fraud case, earning him a spot on Law360's list of five securities lawyers under 40 to watch.

Ingber, a 37-year-old partner in the firm's litigation practice in New York, has consistently demonstrated a calm and grounded demeanor in aggressively defending corporations, individuals and pro bono clients on a variety of complex matters, according to his colleagues.

"Even when he was a very junior attorney, you could tell that he was someone who was going to be very successful," Mayer Brown litigation partner Hector Gonzalez said. "Not only is he intelligent and hardworking, but when you add in the fact that he is very personable and instills a sense of confidence in his clients and those around him, he's really the whole package."

Litigation partner Andy Schapiro described Ingber as "one of those rare lawyers who is equally comfortable on his feet cross-examining witnesses, arguing a motion, writing briefs or taking the deposition of difficult witnesses."

"He epitomizes grace under pressure," Schapiro said. "He's one of the nicest, most calm guys you'll ever run into, but when you're on the other side of the case from him, watch out."

One of Ingber's most notable successes came in 2006, when he worked with Schapiro in defending former Van der Moolen Specialists USA LLC trader Robert A. Scavone Jr., whom the government accused of generating roughly \$500,000 in illegal profits by trading ahead of investor orders for his own profit at the NYSE.

Following a two-week trial, a federal jury in the U.S. District Court for the Southern District of New York acquitted Scavone on all counts, agreeing with the defense's legal argument — which was bolstered by financial and statistical witnesses examined by Ingber during trial — that this alleged front-running was

merely honest mistakes that occur on the hectic trading room floor.

The verdict, which was handed down shortly before Mayer Brown named Ingber partner in January 2007, marked the first defeat for the government in prosecutions of allegedly improper trading activity on the NYSE and provided a road map for successfully navigating these claims, which proved useful the following month when fellow Van Der Moolen trader Richard Volpe was also acquitted of similar charges.

Ingber most recently helped one of his clients win another significant victory in November, when a federal judge in the Northern District of Illinois ruled after a five-week trial that the Chapter 11 trustee of Sentinel Management Group Inc. had failed to show that the transfers at the center of a \$550 million adversary lawsuit against BNY Mellon were actually fraudulent and nixed the trustee's claims.

Serving as co-lead counsel with Gonzalez, Ingber delivered the opening statement that provided the framework for the lengthy trial that dealt with the trustee's allegations that BNY Mellon enabled the misuse of customer funds by allowing Sentinel to commingle customers' assets with its own holdings and pledge those assets as security for a loan.

"Matt is very capable on his feet for a relatively young lawyer and very poised yet commanding when making arguments," Gonzalez said. "He's a very good thinker and doesn't just gloss over things, but rather digs down and gets into the thick of issues. He's a general commercial litigator that can handle any civil matter."

Ingber displayed this versatility in working on the team that helped YouTube and its parent Google Inc. win summary judgment in June in a \$1 billion copyright infringement suit brought by Viacom Inc. in the Southern District of New York.

Ingber, who has worked at Mayer Brown since graduating from George Washington University Law School in 1998, began at the firm as a generalist, but had several cases early in his career that piqued his interest in securities law.

One of these cases came in 2006, when he helped Cantor Fitzgerald & Co. affiliate eSpeed Inc. win the dismissal of a series of class action complaints totaling \$400 million alleging the company violated Sections 10(b) and 20(a) of the Securities Exchange Act and Rule 10b-5, a decision that is now "cited routinely" in related rulings in the Southern District of New York, according to the firm.

Ingber also represented Global TeleSystems Inc. in a case accusing its officers and directors of violating Sections 10(b) and 20(a), winning dismissal of the case in 2003, which was affirmed by the Second Circuit in 2004.

"What interests me about this area is what interests me about litigation in general: No single case is alike, and you are constantly having to become an expert in the subject matter of the underlying lawsuit," Ingber said. "When you're constantly challenging yourself to become familiar with different topics, it keeps you sharp, keeps you on your toes and keeps you interested."

Ingber credits much of his success to the colleagues he has worked with and learned from over the past dozen years.

“Being able to learn from those senior to you, and getting assistance from those who are junior to you, is a good combination when you're working with such good and talented lawyers,” Ingber said.

Ingber has also learned a great deal from his pro bono work, which he credits with helping him to build confidence and comfort in the courtroom as a junior attorney and which he continues today as head of the pro bono committee in Mayer Brown's New York office and a member of the board of directors of the Legal Aid Society.

Schapiro recalled sitting second chair to Ingber early in his career in his representation of a prisoner who was suing a guard for assault, and being impressed by the way Ingber took charge in ultimately obtaining a victory for his client following a jury trial.

Moving forward in his career, Schapiro and Gonzalez agreed, the possibilities for what Ingber can achieve are limitless.

“There's no doubt that over the next 10, 15, 20 years, clients are going to continue to turn to him to work on the largest securities, white collar and complex litigation matters that come the firm's way,” Gonzalez said.

--Editing by Lisa Uhlman.

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