

Adam L. Fotiades

Partner

From SEC enforcement actions to high-stakes business disputes, Adam L. Fotiades helps clients mount a strong defense.

Adam has a wide range of experience in complex civil litigation, government investigations, and white collar criminal defense. He represents individuals and entities in highly regulated industries, including finance, accounting, health care, and telecommunications, in SEC, PCAOB and DOJ investigations and complex commercial disputes.

Adam maintains a robust pro bono practice, helping clients with custody issues, death row appeals, and professional liability matters.

Recognitions

- The Best Lawyers in America, Criminal Defense: White Collar
- Super Lawyers (Washington, DC)

Bar admissions

- District of Columbia
- New York

Court admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, District of Columbia

Clerkships

- Hon. James C. Cacheris, U.S. District Court, Eastern District of Virginia

Representative matters

- Represents a national pharmacy chain in defense of thousands of suits by state and local governments to recover costs alleged to have been caused by the shipment and dispensing of prescription opioids.



Washington, DC

+1 202.778.1893
202.822.8106 - Fax
afotiades@zuckerman.com

Practice focus

- Business Litigation
- Securities and Commodities Litigation
- White Collar Defense
- Pro Bono

Education

- University of Virginia School of Law, J.D., 2007
 - Order of the Coif
 - Articles Editor, *Virginia Law Review*
- University of Pennsylvania, B.A., *magna cum laude*, 2002
 - Hillary Conroy Prize for Best Senior Honors Thesis in World History



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- Obtained a declination to charge his client, an executive of a mutual fund company, from the SEC Division of Enforcement. Although the Division of Enforcement threatened action for over three years, they were ultimately convinced by multiple Wells submissions and attorney presentations to take no enforcement action against the client, despite the settlements entered into by others during the same investigation.
- Obtained what commentators described as an unusual and extremely favorable settlement on behalf of the former Chief Business Officer of Freddie Mac in an SEC enforcement action arising from Freddie Mac's 2006-2008 subprime loan disclosures. The resolution denied all of the remedies the SEC sought and provided for the dismissal of the SEC's claims without any restrictions that altered the client's employment, as well as allowing her to continue to deny the allegations. The case, which received substantial attention when it was brought by the SEC, was vigorously litigated for more than three years, and was resolved near the end of a lengthy discovery process.
- Represented the former Chief Accounting Officer of a multibillion-dollar real estate investment trust in parallel civil and criminal proceedings. The client was targeted by DOJ and the SEC in an investigation of accounting and securities fraud.
- Represented a client who was charged with, and pled guilty to, a federal drug charge for operating a medical marijuana business in Montana. Although the client could have faced more than 11 years in prison, we persuaded the judge to sentence him to only 5 years' probation.
- Represented accounting firms in response to investigations conducted by the Public Company Accounting Oversight Board and the SEC.
- Represented an accounting firm in an investigation conducted by the Virginia Board of Accountancy. After an informal fact-finding conference, the board found that our client had not violated any state accounting statute or regulation and that the board would not take any further action.
- Represented a global hedge fund in a legal malpractice action arising from a €400 million collateralized loan obligation transaction.
- Represented a frozen yogurt franchisor in litigation alleging tortious interference with a contract.



- Represents federal death row inmate pro bono in post-trial proceedings.
- Helped pro bono clients obtain favorable custody and visitation orders in separate child custody disputes, thwarting attempts to hold the client in contempt and to modify the custody order in one case and defeating the plaintiff's efforts to proceed to trial by backing out of an agreed settlement.
- Defended a major internet service provider in a class action lawsuit brought by a putative class of more than 650,000 subscribers alleging violations of Title II of the Electronic Communications Privacy Act based on the alleged wrongful disclosure of the plaintiffs' internet search queries. The case ended in a settlement prior to trial.
- Defended a telecommunications company in a state court putative class action brought by more than 30,000 property owners claiming trespass, inverse condemnation, and unjust enrichment. After discovery, the court denied the plaintiffs' motion for class certification, and the ruling was affirmed on appeal.
- Represented a charitable organization in litigation against a hedge fund that was alleged to have been operating a Ponzi scheme. The client settled with one defendant and obtained a default judgment against two others.

