



## Dan Brecher

### Counsel

Chair, Securities and Investment Banking Group

Business Law Group

P: 212-784-6902 | F: 212-808-4155 | E: [dbrecher@sh-law.com](mailto:dbrecher@sh-law.com)



**SCARINCI | HOLLENBECK**  
ATTORNEYS AT LAW

519 8<sup>th</sup> Avenue  
25<sup>th</sup> Floor  
New York, New York 10018

### BIOGRAPHY

Dan Brecher joined Scarinci Hollenbeck after being the head of the Securities and Investment Banking Department of a 250-attorney New York City firm and later running his own boutique securities and investment banking law firm. His experience ranges from serving as general counsel of New York Stock Exchange and NASD/FINRA member brokerage firms to representing companies in hundreds of public and private securities offerings, and advising institutional and high net worth investors. In addition, Mr. Brecher is counsel of record in several leading published decisions establishing precedents in securities, business and education law. He is a Court-appointed mediator in the U. S. District Court, Southern District of New York, and a mediator and an arbitrator at FINRA.

Mr. Brecher is a nationally known author and lecturer who has written and presented on topics relating to private and public securities offerings, and other corporate, securities and investment banking matters. He has appeared on CNN and in numerous other national and local television and radio media outlets. His articles have appeared in Barron's, The American Law Institute – American Bar Association's The Practical Lawyer, Boardroom Reports, Bottom Line/Personal and in a number of other professional and general circulation magazines and newspaper publications. He authored Chapter 9 of "Securities Offerings: New York Practice Guide: Business and Commercial," and co-authored Chapter 24 "New York Forms of Jury Instruction, Officers' and Directors' Liability," both published by Matthew Bender & Co.

Mr. Brecher has been a featured speaker at FINRA Arbitrator Skills Programs, and his chapter on customer claims against brokers was published by the Practicing Law Institute. He was also the lead speaker and co-author of a continuing legal education course handbook "Buying and Selling a New York Business" for the Lorman Education Services program.

For ten years, Dan was Chairman, and is currently Vice Chairman, of the Board of Directors of Birch Family Services, Inc., a major provider of early childhood special education schools in New York City. Birch is also a leader in providing programs for residences and job training for young adults on the autistic spectrum.

### REPRESENTATIVE MATTERS

- Recently served as General Counsel for healthcare company and took it from incorporation through multi-million dollar seed capital financing.
- Recently served as General Counsel for a mobile app development company and took it through a seven figure seed capital initial financing.
- Incorporated and took present leading Biotech corporation through private placement rounds and \$100 million initial public offering.
- Represented New York Stock Exchange Member Firm as underwriter of initial public offering for healthcare industry company.
- Served as outside general counsel to New York Stock Exchange Member Firm.
- Represented customers of major brokerage firm and obtained \$2.5 million FINRA arbitration award.
- Represented customer of major brokerage firm and obtained \$1 million FINRA arbitration award.
- Represented customers in FINRA arbitrations against FINRA member firms and obtained substantial cash settlement payments totaling over ten million dollars.
- Recently represented a public company in federal trial of multi-million dollar claims against and by a major international bank; defeated the bank's claim.
- Represented a brokerage firm officer in resolving an SEC investigation.
- Represented a hedge fund in a private placement of funds.
- Represented a retiring owner in the sale of his interest in a printing company and buyout of his employment agreement.
- Settled claims against a hedge fund manager on behalf of a client of the fund manager for a six figure amount.
- Advised angel investors in private placements in start-up technology and biotechnology companies.
- Litigated claims against a client's former investment adviser and accountant to substantial settlement.
- Represented investor in fraud claims against former investment adviser and obtained \$12 million federal judgment against former financial adviser.

## **PUBLICATIONS**

### **AUTHOR:**

- “Public Offerings,” New York Practice Guide, Business and Commercial, Chapter 9, Matthew Bender & Co., 1994, revised and republished, entitled “Securities Offerings,” 2006
- “The Role of Underwriters in ‘33 Act Filings,” Vol. 52 New York State C.P.A. Journal, No. 3;
- “Buying and Selling a New York Business,” Lorman Business Center, Inc., 1999
- “Corporate Buy-Out Without Cash,” 5 Boardroom Reports No. 5
- “Self-Underwriting,” 5 Boardroom Reports No. 15; “Going Public,” 7 Boardroom Reports No. 21
- “Customer Rights,” Barron’s, Vol. LXV No. 31
- “Investing With A Brokerage Firm,” Investigate, Vol. 1, No. 9
- “Bring Securities Cases in New York If Possible,” 8 Boardroom Reports No. 11
- “Raising Money Through Unregistered Securities,” 8 Boardroom Reports No. 21
- “When to Sue Your Stockbroker,” Bottom Line Personal, Vol. 6, No. 8
- “Ten Things Your Broker Doesn’t Want You to Know,” Bottom Line Personal Vol.9, No.6
- “Five Questions to Address Before You Develop A Business Plan,” Bottom Line Personal, Vol. 15, No.3
- “Better Way To Sell A Business,” 15 Boardroom Reports, No. 9
- “Raising Capital on The Internet,” Bottom Line Personal, Vol. 26, No. 11
- “How To Spot a Ponzi Scheme: Lessons From the Madoff Scandal,” Bottom Line Personal, Vol. 30, No.3
- “Is Your Financial Adviser Fishing for Fees?” Bottom Line Personal, Vol. 31, No.8.

### **CO-AUTHOR:**

- “When Making a Small Public Offering Under Regulation A,” 26 The Practical Lawyer, Nos. 2 & 3, republished in The Practical Lawyers Manual of Business Forms and Checklists, American Law Institute-American Bar Association, 1984
- “Officers’ and Directors’ Liability,” New York Forms of Jury Instruction, Chapter 24, Matthew Bender & Co., 1994
- “Securities Arbitration of Customer Claims Alleging Unsuitability, Improper Markups/Markdowns or Breach of Fiduciary Duties,” Chapter 31, Securities Arbitration, 1996, Practising Law Institute.

## **EDUCATION**

- Fordham University School of Law (JD, 1969)
- City College of the City University of New York (BA, 1964)

## **BAR ADMISSIONS**

- New York
- U.S. District Court, Southern and Eastern Districts of New York
- U.S. Court of Appeals, Second Circuit
- New Jersey
- U.S. Supreme Court

## **AFFILIATIONS**

- The Association of the Bar of the City of New York
- New York State Bar Association
- American Bar Association (Corporation, Banking and Business Law Section)
- Birch Family Services, Inc.: Member, Board of Directors, 1990—; Secretary, 1992-1994; Treasurer, 1994-1996; Chairman, 1996-2005; Secretary, 2005—.
- Herbert G. Birch Services Fund, Inc.: Chairman, Board of Directors, 1996-2005; Vice-Chairman, 2005—.