

Securities Litigation & Arbitration

Pairing our experience with your dispute resolution goals

From their years of experience in government service and private practice, Winstead's Securities Litigation & Arbitration attorneys bring our clients a wealth of experience defending securities litigation and arbitration matters in state and federal courts, Financial Industry Regulatory Authority (FINRA) and other self-regulatory organizations (SROs) proceedings, and federal and state regulatory agency hearings and proceedings. We bring our first chair trial experience, deep knowledge of securities laws, and first-hand industry experience to your defense.

Our experienced securities litigation attorneys regularly represent:

- Broker-dealers
- Investment advisers
- Registered persons and investment adviser representatives
- Private and public companies and issuers
- Directors and officers
- Capital markets and securities class action
- Insurance agencies and agents

Broker-Dealer and Advisers Act/Advisory Arbitration and Litigation

Winstead's attorneys regularly defend broker-dealer and investment adviser clients in private client litigation and arbitration in state and federal court, FINRA and other SRO forums, and state agency proceedings and forums. Collectively, Winstead attorneys have handled hundreds of arbitrations, complaints, and lawsuits on behalf of national, regional, and local brokerage firms and registered representatives and RIA firms and IARs. We seek to provide meaningful early case evaluations, and going forward, we engage in skillful negotiation where appropriate, and deliver focused and assertive advocacy in contested matters.

We have defended claims involving, misrepresentation, fiduciary duty, trust, investment banking, suitability, unauthorized funds transfers, failure to supervise, research and investment banking conflicts of interest, unauthorized trading, discretionary accounts, third-party investment managers, annuities, selling-away, and failure to supervise.

Disputed products and services have involved equities, fixed income, mutual funds, ETFs, ARS, options, variable annuities, structured products, managed futures, hedge funds, financial planning, cyber breaches, and other financial industry products and services. Our experience in private client litigation is no doubt buttressed by our depth in defending related regulatory and enforcement matters.

Winstead has a wealth of experience in the employee and independent contractor platforms and in the area of dual registrants.

Capital Markets and Securities Fraud Class Action Litigation

Winstead represents capital markets clients and their officers and directors in the full range of class action, derivative and individual investor litigation arising under federal and state securities laws, including the 1934 Act, 1933 Act, Texas Securities Act, the PSLRA, and SLUSA. Our clients include publicly traded and privately held companies and other capital markets participants, including financial services firms, broker dealers, hedge funds, private equity funds, venture capital and other capital markets participants. And we understand the importance of achieving cost-effective, favorable pretrial results while also being trial-ready. In fact, Winstead is one of the few law firms in the country to have defended a Section 10(b) and Rule 10(b)(5) class action lawsuit before a jury in federal court. We have also defended broker-dealer clients on SLUSA defenses against class action claims.

Our ability to handle private client litigation is buttressed by our depth in related regulatory and enforcement matters.

Broker-Dealer and Investment Adviser "Back-Office" Commercial Litigation

Winstead has extensive experience representing financial services firms and individuals in commercial and "back office" litigation. The firm's experience covers all types of Article 3 & 4 UCC related disputes with account holders, as well as margin account, collection, account beneficiary-designation litigation, and other types of operations/"back-room" disputes. Our seasoned and experienced group of trial attorneys have resolved and tried to judgment business and commercial disputes involving lending, real estate, banking, and energy. These representations have included mortgage litigation, loan defaults, collections, collateral sufficiency disputes, usury claims, lender liability claims, regulatory disputes, customer and borrower class actions, foreclosures, debt collections, post-judgment collections, and out-of-court restructurings and work-outs.

Director & Officer Litigation

Our securities litigators regularly defend publicly traded companies and their compliance officers and directors in federal and state court securities class actions and lawsuits. Winstead has an especially robust D&O practice in the areas of bankruptcy and reorganizations.

Financial Services Industry Trust and Fiduciary Matters

Winstead's trial attorneys work effectively in representing financial services firms, trust companies, fiduciaries and other parties in trust and estate administration disputes and litigation. Our representations have included will contests, breach of trust actions and other related fiduciary matters. Our attorneys also regularly assisted clients in litigation arising under the Employment Retirement Income Security Act of 1974.