

Matthew N. Kane

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EDUCATION

JD, *cum laude*, Boston University School of Law, 1997

BA, *magna cum laude*, Harvard College, 1993

BAR ADMISSIONS

Massachusetts

RELATED INFORMATION

Commissioner, Massachusetts [State Ethics Commission](#), 2004-present
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**Matthew N. Kane**

Matthew N. Kane is a Partner in the firm, representing individuals and entities in business litigation and white collar criminal defense, including matters before the SEC, FINRA, and other regulatory enforcement agencies.

Mr. Kane regularly represents clients subject to SEC investigations, civil enforcement actions, as well as clients charged with violations of the securities laws. In addition, Mr. Kane has successfully handled a wide variety of business litigation involving, among other matters, non-competition agreements, alleged breach of fiduciary duties, cost accounting, management and

control of closely-held corporations, alleged breach of contract, and allegations of unfair and deceptive trade practices.

In addition to his private practice, Mr. Kane served as the Vice Chairman of the State Ethics Commission. He was appointed to the five-member Commission by Governor Mitt Romney in 2005 and served until 2009. The Commission provides free legal advice, education and enforcement of the Commonwealth's conflict-of-interest laws.

Before joining DCG, Mr. Kane was a Junior Partner at Hale and Dorr, LLP (now Wilmer Hale). He graduated magna cum laude from Harvard College in 1993 and cum laude from Boston University School of Law in 1997.

From November 2002 through May 2003, Mr. Kane served as Special Assistant District Attorney in Middlesex County. At the District Attorney's office, Mr. Kane represented the Commonwealth in several bench and jury trials.

Mr. Kane's recent engagements include:

Commercial Litigation

- Represented Seller of dental benefits administrator in connection with post-acquisition dispute with Buyer following \$100 million sale of the company. Successfully resolved case on the first day of arbitration.
- Represented individual shareholder in action against closely-held corporation alleging violations of the Blue Sky laws and common law fraud. Successfully resolved matter in mediation following discovery.
- Represented shareholder in connection with her redemption from closely-held family business. Successfully resolved claim pre-litigation.
- Obtained dismissal of all claims in a suit filed by the estate of an alleged victim of the Winter Hill Gang against the United States and several former FBI agents.
- Obtained dismissal of claims brought by student loan recipient against various lending institutions alleging, among other things, violations of the Fair Credit Reporting Act and Fair Debt Collection Practices Act.
- Obtained dismissal of shareholder suit against former directors of telecommunications company based on alleged fraud and breach of fiduciary duties.

- Represented medical devices company in an 85-day arbitration involving complex cost accounting and allegations of breach of contract, fraud, and violations of M.G.L. c. 93A.

Securities Litigation

- Represent individual formerly employed by mutual fund in connection with Securities and Exchange Commission's investigation of fund's disclosures related to its sub-prime holdings.
- Represented several individuals at multi-national corporation in connection with an investigation conducted by the Securities and Exchange Commission arising concerning derivatives accounting and revenue recognition.
- Represent accounting firm in connection with Securities and Exchange Commission investigation into privately-held company.
- Represented owner of publicly traded corporation in connection with Securities and Exchange Commission's investigation into alleged "market manipulation."
- Represented spokesperson for publicly traded corporation in connection with an alleged false statement made at an investor conference.
- Represented individuals employed by hedge funds and mutual funds in an investigation being conducted by the Securities and Exchange Commission and various state agencies involving allegations of "market timing."
- Represented trader in connection with investigation conducted by the Securities and Exchange Commission and others concerning the "gift and gratuities" policies of a leading investment firm.
- Represented outside director of major telecommunications company in connection with "options backdating" investigation.
- Represented two brokers in FINRA customer arbitration concerning the alleged suitability of investment selections.

Employment Litigation

- Successfully defended employees of a medical services company against competitor's motion for a preliminary injunction alleging violations of non-competition agreements.
- Represented company in connection with claims against a former employee and his son engaged in direct competition and customer solicitation in violation of various agreements. Successfully resolved matter after filing preliminary injunction papers.
- Successfully defended IT professional in connection with claim that he violated non-competition and non-solicitation agreements.
- Successfully negotiated trader's separation agreement from hedge fund pre-litigation.

Mr. Kane is a member of the American and Boston Bar Associations. He is admitted to practice in the Commonwealth of Massachusetts, the U.S. District Court for the District of Massachusetts, and the U.S. Court of Appeals for the First Circuit.

Mr. Kane is married with three children. Outside the office, he enjoys rooting for the Red Sox, playing with his kids, and strumming a perpetually out-of-tune guitar.

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