Proskauer



Contact

Malcolm B. Nicholls III

Partner

Boston **+1.617.526.9601**

mnicholls@proskauer.com

Malcolm B. Nicholls III is a partner in the Corporate Department and Proskauer's Private Investment Funds Group. Malcolm brings more than 30 years of experience representing private fund sponsors and investment advisors globally on a wide range of issues, including fund formations, secondary transactions, internal governance, and divestments and distributions.

Malcolm's practice focuses primarily on representing fund sponsors. He devotes a significant portion of his time to the structuring, formation, organization, and operation of venture capital and other private equity funds, as well as their general partner and management company entities, representing both top-tier industry leaders and first-time managers. In this capacity, Malcolm advises clients on the preparation of offering materials, investor negotiations related to fund formation, the drafting of partnership, LLC, and other governance agreements, and all aspects of day-to-day fund operations.

Malcolm also advises fund sponsors on a broad range of secondary transactions, including tender offers, preferred equity financings, continuation funds, fund restructurings, and other GP-led transactions, and has worked with several management teams on large spin-out transactions.

In addition, Malcolm has represented domestic and foreign institutional investors in connection with investments in hundreds of private funds across the private equity asset class, including in secondary transactions involving the acquisition and sale of fund interests. The depth and breadth of Malcolm's experience and market knowledge enable him to provide practical business and strategic advice while balancing the competing interests of fund sponsors and their investors.

Malcolm has been recognized as a leading fund formation attorney by Chambers USA, The Legal 500, U.S. News: Best Lawyers in America and Super Lawyers. In addition, Malcolm has authored numerous articles and has spoken at many industry conferences both domestically and abroad.

Malcolm previously served as the co-head of the private investment funds group at Proskauer. More recently, Malcolm was a partner at Gunderson Dettmer prior to rejoining Proskauer. He also served as a Sergeant/Russian Linguist in the U.S. Army from 1984 – 1988.

Practices

Private Funds, Investment Management

Industries

Private Equity, Life Sciences, Asset Management

Market Solutions

Corporate Governance

Education

Boston University School of Law, J.D.
Editor, *Boston University Law Review*
University of New Hampshire, B.A.
magna cum laude

Admissions & Qualifications

New York
Massachusetts

Court Admissions

U.S. District Court, New York, Southern District

Awards & Recognition

The Legal 500: Boston Elite, 2025

Chambers USA: Massachusetts: Private Equity: Fund Formation 2004-2026

Chambers USA: Nationwide: Investment Funds: Venture Capital: Fund Formation 2020-2026

Chambers Global: USA: Investment Funds: Venture Capital: Fund Formation 2021-2025

The Legal 500 United States: Private Equity Funds (Including Venture Capital) 2018

The Legal 500 United States: Investment Fund Formation & Management: Private Equity Funds 2011-2015

Best Lawyers in America 2006-2027

Massachusetts Super Lawyers 2008-2018

Government Service

Sergeant/Russian Linguist U.S. Army (1984-1988)