Proskauer



Contact

Robert Pommer

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Robert W. Pommer III is a partner in the Litigation Department and co-head of Proskauer's Securities Enforcement group. He also is a member of the Securities Litigation, Asset Management Litigation, and White Collar Defense & Investigations groups.

Bob's practice focuses on a broad range of securities-related enforcement and compliance issues. He represents private fund managers, financial institutions, public companies and their senior executives in enforcement investigations and litigation conducted by the SEC, the U.S. Department of Justice, and other governmental entities and financial services regulators. He also conducts internal investigations and counsels investment advisers and public companies on regulatory compliance, corporate governance and other SEC-related issues.

Prior to his career in private practice, Bob served as Assistant Chief Litigation Counsel in the SEC's Division of Enforcement for nine years. While there, he investigated and litigated several high-profile cases involving complex financial fraud and audit failures. He handled enforcement actions involving insider trading, investment adviser and broker-dealer issues, market manipulation and other violations of the federal securities laws.

Bob is ranked by *Chambers USA* in Securities: Regulation: Enforcement (Nationwide), where clients note that he "had a mastery of this case from the start and implemented a strong strategic vision." They also praise his practical understanding of "what the SEC really cares about" and commend him for investing "the time to understand our needs and deliver tailored advice, with our best interests in mind always." Bob has also been recognized by *Legal 500* in Securities Litigation and by *Securities Docket* as a member of its "Enforcement Elite."

Matters

Recent Matters

- A leading broadband company in an SEC investigation of the company's share repurchase program
- A non-traded business development company in an SEC investigation relating to the seed transaction to establish the fund
- A leading beverage company in an SEC investigation involving the company's acquisition accounting, revenue recognition, stock-based compensation, internal controls, and related disclosures
- An internal investigation on behalf of a public company's Audit Committee and SEC investigation related to accounting restatement and expense recognition issues
- A family office in connection with an SEC investigation into secondary trading in pre-IPO companies
- A public company in an SEC sweep investigation regarding the timeliness of certain of its Director's security ownership reports under Section 16 of the Exchange Act
- A private fund manager focused on ESG investing in an SEC investigation arising out of an examination related to the allocation of a third-party service provider's fees and expenses

- The CEO of a public company in an SEC investigation involving an accounting restatement and clawback of stock sale profits and equity-based compensation
- A global private equity firm in an SEC investigation arising out of an examination related to trading and MNPI policies and procedures
- An internal investigation on behalf of a public company's Audit Committee related to whistleblower complaint concerning the accounting for barter transactions
- A private fund manager in an SEC sweep investigation related to certain administrator and custodian terminations
- The co-founder and Chairman of a NASDAQ listed company in a cross-border SEC insider trading investigation

Prior to joining Proskauer, Bob was involved in the following representative matters:

Investment Advisers

- A leading private equity investment firm in an SEC examination and investigation related to management fee calculations
- A middle market private equity firm in an SEC investigation involving disclosure issues and the firm's policies and procedures related to advertising and marketing
- A venture capital firm in an SEC investigation arising out of an examination involving the valuation of fund assets and related management fee calculations
- An alternative fixed income manager in an SEC investigation arising out of an examination related the firm's valuation calculation methodology for debt investments
- A private fund manager in an SEC investigation of a GP-led secondary transaction and related valuation and disclosure issues

- A global private equity firm in an SEC investigation related to the valuation of portfolio company investments in the energy sector
- A leading investment and advisory firm in an SEC investigation involving allegations of improper valuation practices and undisclosed conflicts of interest
- A private fund manager in an investigation arising out of an SEC examination related to disclosure practices and the use of collateralized loan obligations
- A leading global alternative asset manager in an SEC investigation related to trading issues and MNPI policies and procedures
- Multiple private equity fund managers in SEC investigations into accelerated monitoring fee and disclosure practices
- A private equity fund manager in SEC investigation into potential misallocation and excess charging of fees and expenses, conflicts of interest, custody rule violations, and breaches of fiduciary duty
- A hedge fund manager and its CEO in parallel insider trading investigations by the SEC and DOJ
- The Chief Operating Officer of a leading activist hedge fund in an SEC investigation and litigation related to alleged breaches of fiduciary duty and conflicts of interest
- Various private equity and venture capital firms in connection with SEC investigations into alleged violations of the pay-to-play rules

Financial Institutions/Executives

- A fintech company and provider of online marketplace loans in an SEC investigation of the company's disclosures of government investigation and related litigation matters
- A leading investment company in parallel investigations by the SEC and DOJ related to expert network consultants and potential insider trading claims
- A former loan servicer in parallel investigations by the CFPB and SEC involving for-profit student loan program

- A fixed-income sales executive for a leading investment bank in an SEC investigation into the sales and marketing practices relating to asset-backed and synthetic collateralized debt obligations and associated credit default swaps
- The collateral manager in an SEC investigation into portfolio selection, disclosure and credit rating practices relating to asset-backed and collateralized debt obligations and associated credit default swaps
- An executive of a large mortgage lender in connection with an SEC investigation related to subprime financial reporting and disclosures issues

Public Companies/Executives

- The former CEO and CFO of a global medical device manufacturer in an SEC investigation involving the faultless clawback of bonuses and other incentive-based compensation
- The CFO and Controller of a leading developer and manufacturer of sports equipment and apparel in an SEC investigation regarding revenue recognition issues
- A leading health care service provider in connection with an internal investigation on behalf of its Audit Committee and related SEC investigation related to accounting restatement and revenue recognition issues
- A leading E&P materials provider and its CEO in connection with an SEC investigation relating to product performance disclosures, asset impairments and internal controls
- BP PLC and related entities in connection with parallel SEC and DOJ criminal investigations arising from the Deepwater Horizon
- A Senior Tax Manager of a leading multinational oil services company in an SEC investigation related to a $900 million accounting restatement arising from improper intercompany tax accounting and internal control weaknesses
- Internal investigation in connection with proposed acquisition on behalf of global engineering products manufacturer related to accounting and revenue

recognition issues

- A global chemical manufacturing company in connection with an SEC investigation regarding accounting for environmental liabilities and related disclosures

Various

- Several entities in SEC investigations involving initial coin offerings, cryptocurrencies and blockchain technology
- Internal investigation on behalf of a special committee of the Board in connection with potential obstruction of justice claims in a prior governmental investigation
- A school district in connection with the SEC's Municipalities Continuing Disclosure Cooperation initiative and related SEC investigation regarding alleged disclosure violations in connection with municipal bond offerings

Practices

Securities Enforcement, Asset Management Litigation, White Collar Defense & Investigations, Securities Litigation, Litigation, Private Funds, Investment Management, Hedge Funds, Broker-Dealer

Industries

Private Equity, Financial Services, Private Capital

Market Solutions

Regulatory & Compliance, Environmental, Social and Corporate Governance (ESG), Capital Markets Regulatory Solutions

Education

Catholic University of America, Columbus School of Law, J.D.
Boston College, B.A.

Admissions & Qualifications

District of Columbia

Maryland

Awards & Recognition

Chambers USA: Nationwide: Securities: Regulation: Enforcement, 2026

Securities Docket: Enforcement Elite 2024, 2025

The Legal 500 United States: Dispute Resolution and Securities Litigation: Defense 2024 -2025

Government Service

Staff Attorney/Senior Counsel, United States Securities and Exchange Commission, Division of Enforcement, 2000–2003

Assistant Chief Litigation Counsel, United States Securities and Exchange Commission, Division of Enforcement, 2003–2009