



High Court To Clarify Murky Insider Trading Rules, Law360, ft. Brendan McGarry

Brendan P. McGarry, Esq., Attorney in Kaufman Dolowich & Voluck, LLP Chicago, was quoted in an article by Carmen Germaine - Law360, New York (October 3, 2016, 11:19 PM EDT) —

The U.S. Supreme Court on Wednesday will take up its first insider trading case in nearly two decades, and experts are hopeful the justices will clarify the increasingly murky area, whether by agreeing to curtail the type of benefit tippers must receive to establish criminal liability or by reaching a broader prosecution-friendly solution.

At the center of the case will likely be the Dirks decision. Salman and the government disagree sharply over whether the 1983 opinion requires a pecuniary benefit to sustain insider trading convictions.

"I think that each party, according to their briefs, will try to use that very same case as a central argument in their position," said Brendan McGarry, an attorney with Kaufman Dolowich & Voluck LLP. "I think that may, in fact, be a central issue for questions from the court as well."

Although both defense attorneys and prosecutors seem to be hoping the high court will come down firmly, McGarry said he wouldn't be surprised if the eight-member court writes an opinion that leaves things muddy

"I don't know that we'll get the answer that everyone looking at this is hoping for," McGarry said. "I think that we may get something short of the ultimate answer in what exactly constitutes a benefit in the insider trading context."