

Where Are They Now: Key Players In The Madoff Case

By **Jack Queen**

Law360 (April 14, 2021, 9:05 PM EDT) -- Ponzi king Bernie Madoff's jailhouse death was all but guaranteed the moment he was sentenced. Before a packed federal courtroom in Manhattan — after the lawyers, victims and Madoff himself had spoken — Judge Denny Chin decided what punishment fit the financial crime of the century: 150 years, the maximum sentence available.

The decision prompted an outburst of cheers from the dozens of victims present. But it was the only joyful moment of a proceeding marked by anguished testimonials from victims, calls for justice from prosecutors, and pleas for mercy by Madoff's defense team, which had asked for 12 years.

In handing down the sentence, Judge Chin invoked the far-reaching consequences of the disgraced Wall Street titan's \$65 billion fraud.

"The victims put their trust in Mr. Madoff," he said from the bench. "That trust was broken in a way that has left many — victims as well as others — doubting our financial institutions, our financial system, our government's ability to regulate and protect, and sadly, even themselves."

The lawyers present in the courtroom that day in June 2009 were key players in a case that became emblematic of Wall Street greed, tarnished the reputations of its regulators and helped shape legislation that profoundly altered the financial industry.

Marc Litt, the lead prosecutor on the case, told Law360 that Madoff's death behind bars was an "unfortunately fitting" end to the saga.

"His passing closes a dark chapter of deception and greed that irretrievably damaged the lives of tens of thousands of victims," Litt said. "From start to finish, this episode has brought nothing but devastation to everyone he touched."

Here, Law360 takes a look at some of the key players in the criminal case and where they have gone since Madoff's fate was sealed.



U.S. Circuit Judge Denny Chin

The Madoff case was one of Judge Chin's last headline-grabbers in the Southern District of New York before he was appointed to the Second Circuit in 2010, where he has cultivated a reputation for keeping arguments focused on relevant questions. In June, he will take senior status, a form of semiretirement.

Last year, Judge Chin sat by designation in the Southern District to deny Madoff's bid for compassionate release in light of his kidney disease.

"When I sentenced Mr. Madoff in 2009, it was fully my intent that he live out the rest of his life in prison," Judge Chin wrote in June. "His lawyers asked then for a sentence of 12 to 15 to 20 years, specifically with the hope that Mr. Madoff would live to see 'the light of day.' I was not persuaded; I did not believe that Mr. Madoff was deserving of that hope. Nothing has happened in the 11 years since to change my thinking."

After Madoff's request, 520 victims submitted letters to the court, with 96% opposing release. But a victim letter from a decade ago still stuck with Judge Chin, who recalled the story of a widow whose husband invested his life savings with Madoff weeks before dying of a heart attack. The widow went to Madoff for comfort.

"He put his arm around her, as she describes it, and in a kindly manner told her not to worry, the money is safe with me," Judge Chin wrote. "And so not only did the widow leave the money with him, she eventually deposited more funds with him, her 401(k), her pension funds. Now, all the money is gone. She will have to sell her home, and she will not be able to keep her promise to help her granddaughter pay for college."

As a circuit judge, Judge Chin is known for both firmness in keeping arguments focused and tolerance for occasional levity. At a 2019 hearing on a securities fraud sanction, he **bluntly asked** an attorney for a disbarred fraudster, "Why are you here?" And he allowed some humor in **a recent beef** over a "steak" sandwich label.



Lisa Baroni

Lisa Baroni, a former Manhattan federal prosecutor who has since moved to in-house compliance, made the government's case at sentencing. Dozens of victims were present.

"It was a very emotional sentencing, particularly for the many victims who spoke," Baroni told Law360. "There were so many people who trusted Bernie for decades and put every cent with him, and he capitalized on that."

Baroni went on to prosecute Madoff's brother, Peter, who was sentenced to 10 years for a range of crimes including falsifying reports as chief compliance officer at Bernard L. Madoff Investment Securities. Baroni also prosecuted another 14 defendants accused of helping conceal the scheme.

In 2014, Baroni left government and became chief compliance officer and deputy general counsel for the hedge fund Folger Hill Asset Management. Last year, she joined York Capital Management as a managing director, chief compliance officer and legal counsel.

Baroni said the victim statements at sentencing impressed upon her that investments are more than just numbers on a page. Prosecuting the cases, she added, was an invaluable lesson on the importance of having strong in-house compliance and safeguarding investments.

"People's assets are more than just money," she said. "They represent a lifetime of hard work, and to have that evaporate overnight is tragic."



Marc Litt

Marc Litt served as lead prosecutor on the Madoff case. He left the Southern District of New York for Baker McKenzie in 2010 and joined Wachtel Missry LLP as a partner in 2018, doing a mix of internal investigations, white collar defense work and civil litigation. The Madoff case left him with an indelible memory.

"It was one of the most challenging, stressful and ultimately satisfying experiences of my professional career," Litt told Law360.

For Litt, it has been especially gratifying to see some of his team's work help lead to the recovery of a significant portion of the victims' original investments through ongoing liquidation proceedings.

At Wachtel Missry, Litt has defended clients in Libor, forex, tax evasion and securities fraud cases, as well individuals tied to the FIFA corruption scandal.

Some recent wins included a defense verdict in a \$200 million breach of fiduciary duty case in California state court, where investors had accused former executives of an insolvent biotech company of failing to adequately locate capital to stay afloat.

Litt also defended a \$30 million tax conspiracy case in Manhattan federal court, which was resolved with a misdemeanor plea and a fine last year. Litt said his client had faced up to 30 years.



Ira Sorkin

Ira, or "Ike," Sorkin of Mintz & Gold LLP led Madoff's defense while an attorney at Dickstein Shapiro LLP. The work caused him to receive death threats, including one so serious he reported it to the FBI, according to a 2009 New York Times interview. At Madoff's sentencing, Sorkin spoke to his client's humanity, asking for a sentence of 12 years.

"We represent a deeply flawed individual, but we represent, your honor, a human being," he said. "We don't represent a statistic. We don't represent a number."

Sorkin, a former U.S. Securities and Exchange Commission trial attorney and Manhattan federal prosecutor, left Dickstein Shapiro for Lowenstein Sandler LLP in 2015. He stayed there five years before starting his own boutique firm, Sorkin & Sondhi, which he merged into Mintz & Gold two months later.

Sorkin represents individual and entity defendants in insider trading, market manipulation and accounting fraud cases, among others, according to his biography on Mintz & Gold's website. He also represents clients in Ponzi cases, the biography notes.

Sorkin did not respond to requests for comment Wednesday.

Daniel J. Horwitz

Daniel J. Horwitz, now a McLaughlin & Stern LLP partner, shared the spotlight with Sorkin while representing Madoff. Along with two other members of the trial team, Nicole P. De Bello and Mauro M. Wolfe, he had followed Sorkin to Dickstein Shapiro from a small firm that was sold to Hogan & Hartson in 2002.

Horwitz is now the chair of McLaughlin & Stern's white collar defense and investigations practice, where he defends individuals and companies in white collar criminal and regulatory enforcement investigations. He also handles complex commercial lawsuits and arbitrations, according to his bio on

the firm's website.

Horwitz, a former prosecutor in the Manhattan District Attorney's Office fraud bureau, has defended clients in money laundering, public corruption, Foreign Corrupt Practices Act and fraud cases, the bio says.

He did not immediately respond to requests for comment Wednesday.

--Editing by Breda Lund and Jill Coffey.