

Adam M. Katz

Associate



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Boston

Issues and Appeals

Securities Litigation + Enforcement

White Collar Defense and Investigations

Commercial Litigation

Adam's practice focuses on appeals, administrative law and investigations. He has represented clients through all phases of high-stakes appeals; in investigations conducted by the Department of Justice (DOJ), Securities and Exchange Commission (SEC) and state regulators; in state and federal administrative enforcement actions; and in Administrative Procedure Act proceedings. He also maintains an active pro bono practice.

Adam is a thoughtful and experienced written and oral advocate. He has briefed issues in federal district courts, state and federal courts of appeals, and the US Supreme Court on a wide range of topics – including the Voting Rights Act, the Federal Arbitration Act, the Computer Fraud and Abuse Act, the Airport Noise and Capacity Act, the Consumer Product Safety Improvement Act, New York's State Environmental Quality Review Act, the Controlled Substances Act, the Securities Act of 1933, the Sixth Amendment's confrontation clause, the Immigration and Nationality Act, and the Second Amendment.

As an oral advocate, Adam has argued and secured victories on behalf of his clients in state court, federal court and administrative tribunals. During his first year at Cooley, Adam argued a criminal immigration issue of first impression in the US Court of Appeals for the Seventh Circuit, which successfully resulted in a unanimous opinion overturning a Board of Immigration Appeals' ruling. Most recently, Adam argued a series of novel issues in state court and state administrative tribunals that successfully resulted in two separate injunctions against a state gaming agency seeking to shut down his client's business.

Adam's recent matters include representing:

- Coinbase in ongoing merits litigation in the Supreme Court related to Coinbase's right to arbitrate disputes that resulted in successfully obtaining a writ of certiorari and later a 5 – 4 victory in the Supreme Court (*Coinbase v. Bielski*, 599 US 736 (2023))
- An investment fund in trial and appellate proceedings related to an Administrative Procedure Act challenge to US Citizenship and Immigration Services' disbursement of EB-5 visas under the EB-5 Reform and Integrity Act
- A former state senator and games-of-chance businessman in parallel investigations and enforcement actions that successfully resulted in multiple injunctions against the state gaming agency, and – following a trial in which Adam conducted the direct examination of a forensic accounting expert – a ruling permitting the client to recoup the value of his business
- A municipality in parallel state, federal and administrative proceedings regarding a first-of-its-kind conversion of an unregulated public-use airport into a regulated private-use airport
- A multi-industry technology manufacturer in products liability litigation brought by several hundreds of

individual claimants

- A biotechnology trade association in an amicus brief on the Securities Act of 1933 before the New York State Appellate Division of the Supreme Court
- The NAACP and the Lawyers' Committee for Civil Rights Under Law in an amicus brief on the Voting Rights Act in the Supreme Court
- The American Society for the Prevention of Cruelty to Animals in an Administrative Procedure Act petition challenging the federal government's enforcement of the Animal Welfare Act
- The League of Women Voters in an amicus brief on the Second Amendment in the Supreme Court
- A criminal defendant in a habeas corpus petition that resulted in successfully overturning a 20-year-old state murder conviction in the US Court of Appeals for the Sixth Circuit (*Miller v. Genovese*, 994 F.3d 734 (6th Cir. 2021))
- A citizen of Mexico in a criminal immigration appeal to challenge a deportation order in a matter of first impression that resulted in successfully overturning a Board of Immigration Appeals' ruling before the US Court of Appeals for the Seventh Circuit (*Aguirre-Zuniga v. Garland*, 37 F.4th 446 (7th Cir. 2022))
- A citizen of Ecuador in an immigration appeal before the US Court of Appeals for the Eighth Circuit that successfully resulted in securing a remand of the Immigration Judge decision (*Pomavilla-Pichisaca v. Garland*, Nos. 22-2350, 22-3328)
- A consumer products company in an Administrative Procedure Act petition challenging a rule promulgated by the Consumer Product Safety Commission in the US Court of Appeals for the District of Columbia Circuit
- A global telecommunications company in a DOJ criminal investigation
- A biopharmaceutical company in an SEC securities fraud investigation and parallel securities class action
- A private charter jet company in administrative proceedings before the Department of Transportation

Publications

- Author, "Eventual Judicial Review," *Columbia Law Review*, May 2018 – cited in *Cochran v. US Securities and Exchange Commission*, 20 F.4th 194 (5th Cir. 2021) (en banc)
- Author, "Addressing the Harm to Common Stockholders in *Trados and Nine Systems*," *Columbia Law Review*, April 2018

Adam obtained his JD from Columbia Law School, where he was a James Kent Scholar, as well as an essays and reviews editor for the *Columbia Law Review*. He also was a recipient of the Warner W. Gardner Research Fellowship, the Powell Research Fellowship and the Ruth Bader Ginsburg Prize.

Before entering private practice, Adam served as a law clerk to Judge Amalya L. Kearse of the US Court of Appeals for the Second Circuit and Judge Alvin K. Hellerstein of the US District Court for the Southern District of New York.

Education

Columbia Law School
JD, 2018

Brown University
BA, 2014

Admissions & Credentials

New York

Massachusetts

Court Admissions

US Supreme Court

US Court of Appeals for the Fifth Circuit

US Court of Appeals for the Seventh Circuit

US Court of Appeals for the Eighth Circuit

US Court of Appeals for the District of Columbia Circuit

US District Court for the District of Massachusetts

US District Court for the Eastern District of New York

Memberships & Affiliations

Boston Bar Association