



→ Sarah E. Aberg

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Sarah Aberg is special counsel in the White Collar Defense and Corporate Investigations Group in the firm's New York office.

Areas of Practice

Sarah's practice focuses on digital assets and securities, and encompasses regulatory counseling, internal investigations and white collar defense.

She has deep expertise in the areas of Bank Secrecy Act (BSA) and anti-financial crimes compliance. She regularly represents financial institutions, financial services companies, and fintechs in designing and deploying payment technologies, including those related to money transmission, virtual currencies, electronic payments, and stored value. Sarah also counsels clients in assessing and measuring risks arising from financial practices in environmental, social, and governance (ESG) disclosures.

Sarah works with established and emerging fintech and crypto companies to determine the applicability of the BSA, U.S. anti-money laundering (AML), securities, and commodities laws to their business activities. Her clients include non-U.S. companies trying to understand how U.S. civil and criminal regulations might apply to their businesses, especially if they have a U.S. customer base. She provides end-to-end counseling, advising her clients on the front end by flagging regulatory obligations and helping create effective compliance infrastructure to address these obligations and other risks. She also assists in licensing and registration applications, where necessary, including the New York State Department of Financial Services BitLicense. Sarah assists these same companies on the back end to respond to regulatory inquiries or Wells notices from federal and state financial regulators and law enforcement.

Sarah's practice covers a wide spectrum of financial instruments, including convertible virtual currency (CVC), farm, utility, governance, and security tokens, decentralized finance (DeFi), decentralized exchanges (DEX), decentralized autonomous organizations (DAO), staking, yield farming, nonfungible tokens (NFT), and fractional NFTs (F-NFT). She has also helped clients evaluate cybersecurity and customer data privacy regulatory risks with the use and application of decentralized identities (DID) and decentralized governance, and attendant customer due diligence (CDD) and know your customer (KYC) considerations for BSA compliance. She's evaluated regulatory implications for these products in the metaverse context.

Sarah's securities enforcement practice encompasses market regulation, foreign registration and disclosure requirements, supervisory procedures, and sales practices. Sarah's clients include corporations, financial services companies, and associated individuals with investigations and regulatory matters before multiple state and prudential regulators and law enforcement, including the U.S. Department of Justice, the Securities

and Exchange Commission, the Office of the Comptroller of the Currency, the New York State Department of Financial Services, and the New York Attorney General's Office.

Sarah's investigative experience covers a wide variety of criminal issues, including corporate and insider fraud, immigration fraud, mortgage fraud, insider trading, market manipulation, money laundering, terrorist financing, cybercrimes, and data privacy violations. She has litigated cases arising under the False Claims Act (FCA) and has experience with criminal tax investigations.

Sarah is also an active member of the Criminal Justice Act (CJA) panel for the Southern District of New York. Through her work on the panel, she represents indigent federal defendants and witnesses in a variety of matters.

Honors

Ones to Watch - White Collar Criminal Defense, *Best Lawyers*, 2021, 2022

New York Rising Stars, *Super Lawyers*, White Collar Criminal Defense, 2017-2021

Experience

Representative Experience

- Assisted creative production company in responding to inquiry from the U.S. Securities and Exchange Commission regarding use of NFTs.
- Conducted criminal jury trial defending federal savings bank charged with mortgage and securities fraud by the Manhattan District Attorney.
- Conducted criminal jury trial defending steel contractor charged with contracting fraud by U.S. Attorney for the Southern District of New York.
- Counseled broker-dealer responding to FINRA in connection with Market Access rule compliance.
- Counseled decentralized finance platform and exchange in applicability of U.S. Bank Secrecy Act and Securities Exchange Act.
- Counseled electronic gaming organization in connection with proposed state crypto legislation.
- Counseled emerging NFT defi platform regarding the applicability of U.S. Bank Secrecy Act and Securities Exchange Act.
- Counseled financial advisors in connection with FOREX investigation.
- Counseled foreign bank organization responding to New York Department of Financial Services in connection with BSA/AML, OFAC, and cybersecurity compliance.
- Counseled global bank in connection with ongoing FINRA, SEC, and state securities investigations.
- Counseled global retailer in connection with NFT insider trading policies.

- Counseled international fintech payment company in connection with onboarding crypto assets.
- Counseled international retailer in civil asset forfeiture brought by United States Attorney's Office for the District of New Jersey.
- Counseled mid-cap companies investigating insider trading allegations in connection with public offerings.
- Counseled social media company in connection with adoption of decentralized identification protocols.
- Counseled senior trading professionals in RMBS-related investigations and litigations led by DOJ, SEC and FINRA.

Articles

- *Crypto Swords and Shields: Anti-Money Laundering Compliance Strategies for Crypto Exchanges*
New York Law Journal, 03.09.2022
- *Eye on Privacy 2021 Year in Review*
01.11.2022
- *Legislation Misses Mark To Expand SEC Disgorgement Powers*
New York Law Journal, 03.15.2021
- *You Might Be an Inside Trader if . . .*
Insights, 10.2018
- *The Bank Secrecy Act: A Trap For The Unwary Businessman*
The Metropolitan Corporate Counsel, 07.2014
- *3rd Circ. Eases Limitations Test For Securities Claims*
Law360, 10.25.2013
- *Second Circuit Effectively Reverses Rejection of SEC's Settlement with Citigroup*
LexisNexis, 04.02.2012

Blockchain and Cryptocurrency Law Of The Ledger

- "New York's Superintendent of Financial Services Addresses BitLicense Delays," April 28, 2022
- "SEC Announces 2022 Examination Priorities, Includes Crypto-Assets," March 31, 2022
- "When Does Cryptocurrency Mining Create a Taxable Event? IRS Does Not Clarify," March 28, 2022
- "Money Laundering and High-Value Art: Treasury's Study Discusses Financial Crimes and NFTs," March 2, 2022
- "Office of the Comptroller of the Currency Affirms Authority of a National Bank to Provide Cryptocurrency Custody Services," July 31, 2020
- "FinCEN Director Addresses COVID-19 Related Virtual Currency Issues at Consensus Blockchain Conference," May 20, 2020

Consumer Finance and Fintech Blog Posts

- "Governor Newsom Signs Blockchain Executive Order," May 5, 2022

- "NYDFS Provides Guidance on the Use of Blockchain Analytics to Maintain Compliance," May 3, 2022
- "OCC and FinCEN Issue \$200 Million in Penalties for BSA-AML Violations," March 28, 2022
- "Treasury's Study Discusses Financial Crimes and NFTs," February 23, 2022
- "OCC and FinCEN Issue \$9 Million in Penalties for BSA-AML Violations," December 22, 2021
- "The Department of Justice Sets Cryptocurrency Squarely in its Sights," October 14, 2021

Corporate & Securities Law Blog Posts

- "April 2022 Crypto Enforcement Actions And Regulatory Guidance Roundup," May 2, 2022
- "March 2022 Crypto Enforcement Actions Roundup," April 6, 2022
- "SEC Announces 2022 Examination Priorities, Includes ESG," April 4, 2022
- "SEC Proposed Amendments Could Significantly Impact DeFi Companies," February 17, 2022
- "FinCEN Issues Notice of Proposed Rulemaking for Corporate Transparency Act," December 10, 2021
- "SEC Approves Nasdaq Diversity Rule," August 20, 2021
- "Supreme Court Resolves Circuit Split Over CFAA," June 10, 2021
- "Game On: FINRA Hints at Upcoming Gamification Sweep," June 1, 2021
- "SEC Commissioner Calls for a Brave New Approach to Corporate Penalties," March 18, 2021
- "FinCEN Provides Clarity for Section 314(b) Information Sharing," December 22, 2020
- "CFTC's Enforcement Division Announces Record-Breaking 2020 and Outlines Priorities for 2021," December 3, 2020
- "OCIE Director Instructs Advisers to Empower Chief Compliance Officers," November 24, 2020
- "Despite Challenges, It's Full Steam Ahead For SEC's Enforcement Division," September 29, 2020
- "CFTC Throws its Hat into the Corporate Compliance Arena," September 15, 2020
- "Ninth Circuit Reverses SEC Disgorgement Award and Remands in First Decision Post-Liu," August 20, 2020
- "Supreme Court Preserves But Limits SEC Disgorgement Power," June 29, 2020
- "How the New Presidential Proclamation Regarding Non-Immigrant Visas Affects Your Company," June 24, 2020
- "DOJ Updates Corporate Compliance Guidance," June 9, 2020
- "FinCEN Issues Notice on SARs Filing Figures," June 8, 2020
- "SEC Offers Limited Rule Relief to Spur Small Business Crowdfunding During Pandemic," May 14, 2020
- "SEC Co-Director of Enforcement Outlines Division's Response to COVID-19," May 14, 2020
- "Fifth Circuit Holds that Law Firm Cannot Claim Privilege Over Client Identity in IRS Probe," May 12, 2020
- "Second Circuit Holds that Registering to do Business in New York Under Section 1301 of the Business Corporation Law Does Not Constitute Consent to General Personal Jurisdiction in New York Courts," April 3, 2020
- "New Bill Seeks to Bring Clarity to Insider Trading Law," August 6, 2019
- "New York Court of Appeals Rules that Civil Securities Fraud Claims Brought Under Martin Act are Subject to Three-Year Statute of Limitations," July 13, 2018

- "Eleventh Circuit Holds That a Corporation Is Not Distinct From Its Agents For Purposes of a RICO Enterprise, Following Sister Circuits," September 16, 2016
- "Second Circuit Limits "Tippee" Insider Trading Liability," December 11, 2014
- "Second Circuit Effectively Reverses Rejection of SEC's Settlement with Citigroup," March 30, 2012
- "Fifth Circuit Rejects Section 10(b) Scheme Liability in Absence of Explicit Attribution of Conduct or Statements to Defendant," November 17, 2010
- "Second Circuit Rejects Application Of "Bespeaks Caution" Doctrine To Statement Containing Both Historical And Forward-Looking Elements," September 28, 2010
- "Third Circuit Holds That Mixed Present/Future Statements Are Protected By Reform Act Safe Harbor," August 27, 2010
- "Second Circuit Affirms Dismissal Of Securities Fraud Complaint, But Rejects Reform Act Safe Harbor Defense," June 8, 2010
- "In Omnicom Second Circuit Provides Guidance On What Type Of Information Will Justify Investor Reliance For Securities Fraud," April 6, 2010

Eye on Privacy Blog Posts

- "Implications of SEC's Scrutiny of Data Use Representations," November 16, 2021
- "SEC Issues Alert On Outsourcing and Data Security," June 11, 2019
- "SEC To Focus on Cybersecurity in 2019," March 27, 2019
- "You Might Be an Inside Trader If: Insider Trading and Data Breaches Part II," June 21, 2018
- "You Might Be an Inside Trader If...: Insider Trading and Breaches Part I," June 20, 2018

Global Trade Law Blog

- "Crypto and Russia Sanctions: A Primer and Survival Guide For Crypto Companies," March 17, 2022

Government Contracts, Investigations & International Trade Blog Posts

- "Supreme Court Resolves Circuit Split Over CFAA," June 10, 2021
- "FINRA Settlement Highlights Importance of Anti-Money Laundering Due Diligence and Monitoring," August 6, 2020
- "DOJ Cracks Down on COVID-Relief Fraud," July 29, 2020
- "The White House Considers Sweeping Ban on Nonimmigrant Worker Visas," June 17, 2020
- "COVID-19 Judicial Task Force Proposes Protocols to Reinstate Jury Trials," June 17, 2020
- "DOJ Updates Corporate Compliance Guidance," June 10, 2020
- "SEC Offers Limited Rule Relief to Spur Small Business Crowdfunding During Pandemic," May 14, 2020
- "Fed's Vice Chair for Supervision Proposes a Deregulatory Approach to Limit the Scope of "Matters Requiring Attention" used in Bank Examinations," March 31, 2020
- "The SEC's COVID-19 Response," March 20, 2020
- "Regulatory Moves Show Financial Watchdogs Working Smarter, if Not Harder," October 30, 2019

- "Spoofing Enforcement Intensifies," October 30, 2019
- "New York's Department of Financial Services: the Self-Styled "Regulator of the Future,"" September 27, 2019
- "Feds Focus on Individuals in Evaluating Corporate Compliance Programs," May 29, 2019
- "New York DFS Consumer Protection and Financial Enforcement Division: New Name, New Look, Old Mandate," May 29, 2019
- "'Nanny' Government Rebuffed in Prosecution of Former Barclays Trader," March 29, 2019
- "Where is the Love? Exchanges Sue SEC Over Market Access Fee Pilot Program," February 27, 2019
- "Fool Me Twice...SEC's latest Cyber-Fraud ROI Indicates Future Enforcement Against Hacker Victims," November 28, 2018
- Newman. A Second Circuit Panel Revives *U.S. v. Newman's* Personal Benefit Test, Maybe." rel="noopener noreferrer" href="https://www.governmentcontractslawblog.com/2018/07/articles/securities-exchange-commission-sec/us-vs-newman-martoma/">"Hello, *Newman*. A Second Circuit Panel Revives *U.S. v. Newman's* Personal Benefit Test, Maybe." July 31, 2018
- "New York Court of Appeals Rules that Civil Securities Fraud Claims Brought Under Martin Act Are Subject to Three-Year Statute of Limitations," July 19, 2018
- "You Might Be an Inside Trader If...You Trade on Your Unconfirmed Suspicions of a Cybersecurity Event Prior to Its Public Revelation or Disclosure," June 26, 2018
- "Regulation Best Interest: The SEC's Responds to the DOL's Fiduciary Rule," June 26, 2018
- "South Korea Steps Up Oversight of Cryptocurrency Exchanges," March 30, 2018
- "New Legislation Introduced in 2017 Signals the Beginning of a Strong Push for AML Reform," February 28, 2018
- "Watching the Detectives: The SEC Launches a Dedicated FINRA Oversight Unit," October 26, 2016
- "REGULATORS, QUANT UP! *New Rules from FINRA, SEC and CFTC Target Automated Algorithmic Trading*," February 26, 2016

New York Commercial Division Round Up Blog Posts

- "New Commercial Division Rule Seeks to Streamline Privilege Log Requirements for Litigants," October 7, 2014
- "It Ain't Over 'Till the Fat Lady Sings - Party's Contractual Obligations Continue In Agreement To Negotiate," January 28, 2013
- "You May Want to Keep That Opinion To Yourself - Commercial Division Considers Whether a Legal Opinion Letter Triggers Personal Jurisdiction Under the CPLR," October 16, 2012
- "Commercial Division Clarifies Limits of Choice of Law Provision in Indentures," February 13, 2012
- "Partnership Pitfalls -- Things to Keep in Mind When Filing a Notice of Pendency Involving Partnership Assets," July 6, 2011
- "Trustee's Establishment of Litigation Reserve Deemed Reasonable Under The "Prudent Man" Standard," June 25, 2010

Organizational Integrity Group Blog Posts

- "Five Keys to a Successful Compliance Risk Assessment," April 12, 2021

Media Mentions

'You Dream of Crosses Like This'

The four attorneys who helped acquit Abacus bank

2018 New York Metro Super Lawyers, 10.2018

It's Criminal! Or Is It?

New York Times, 03.25.2018

To Sheppard Mullin Litigators Appearing in Oscar-Nominated Film, Telling 'Great Story' Is a Win

New York Law Journal, 03.06.2018

Sheppard Mullin Litigators Appear in Oscar-Nominated Film

New York Law Journal, 03.02.2018

Documentary Featuring Sheppard Mullin Litigators Gets Oscar Nod

01.26.2018

Feds Hit With FOIA Suit For Tribal Leadership Dispute Docs

Law360, 12.20.2017

Sheppard Mullin Litigators Make Big Screen Debut

05.15.2017

Jury Hears Openings in WTC-Related Trial of Canadian Man

Associated Press, 08.02.2016

Events

Crypto Swords and Shields: Anti-Money Laundering Compliance Strategies for Crypto Exchanges

Webinar, 05.05.2022

Legislation Misses Mark in Attempt to Expand SEC Disgorgement Powers

West LegalEdcenter

05.12.2021

Choose To Challenge - Balancing Regulatory Priorities 2021

STANYTALKS & STANY WIF Webinar

03.31.2021

Podcasts & Webinars

French Insider Podcast Episode 12: Navigating the Metaverse with Jim Gatto

03.31.2022

French Insider Podcast Episode 2: Business Immigration Challenges Companies Should Know About in 2021
with Julie Myers Wood
06.01.2021

Nota Bene Episode 15: C-Suite Trades: Three Developments Insiders Need to Know with Sarah Aberg
12.12.2018

Practices

White Collar Defense and Corporate Investigations
Government Contracts, Investigations & International Trade
Litigation
Securities Enforcement
ESG and Sustainability
France

Industries

Blockchain
Blockchain and Fintech
ESG and Sustainability
Financial Services
Fintech
Healthcare

Education

J.D., Benjamin N. Cardozo School of Law, 2009, *Cardozo Journal of International and Comparative Law*
B.A., University of Chicago, 2003

Clerkships

Intern to the Honorable Lois Bloom, U.S. Magistrate Judge for the Eastern District of New York

Admissions

New York
U.S. Court of Appeals for the Second Circuit
U.S. District Court for the Southern and Eastern Districts of New York

Languages

French