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Maxwell (“Max”) Weiss is an Associate in the firm’s Litigation department. His practice focuses on commercial litigation (including class actions), privacy and data security matters, false advertising, law firm defense, and art and museum law. Mr. Weiss is also a member of the firm’s Anti-Counterfeiting Practice and Brand Protection team, as well as its White-Collar Defense and Investigations group.

Since joining the firm, Mr. Weiss has represented individuals involved in criminal and regulatory investigations (none of which resulted in charges), multiple Fortune 500 companies as both a plaintiff and defendant in federal court, and trust companies and investment funds in New York state court. Mr. Weiss has also conducted multiple investigations on behalf of a major professional sports league and television network into issues related to gambling (including allegations of an athlete “throwing” games), defamation, fraud, domestic violence, and other topics. On behalf of a large pharmaceutical company and in coordination with law enforcement, Mr. Weiss conducted a civil seizure and coordinated the simultaneous freezing of millions of dollars in accounts associated with alleged counterfeiters.

From 2018 to 2020, Mr. Weiss served as a law clerk to the Hon. William J. Martini of the United States District Court for the District of New Jersey. Prior to clerking, Mr. Weiss was an associate at an international law firm in New York.

Admissions

- New York

Publications

- "[Bankruptcy Ruling Stresses Value of Client Communication](#)" *Law360* (March 25, 2024)
- "Corporate Recidivism in the FCPA Context" *Compliance & Enforcement* (July 7, 2017)
- Essay, "The Constitutionality of SEC Administrative Law Judges: Exploring *Hill v. SEC*" 84 *GEO. WASH. L. REV.* 1407 (2016)
- "Redefining the Scope of the Fourth Amendment in the 21st Century: The Wake-Up Call of *United States v. Jarrett*" *Crim. L. Soc’y Brief* (Mar. 24, 2016)

Education

- The George Washington University Law School (J.D., *summa cum laude*, 2016)
 - Senior Projects Editor, *The George Washington Law Review*

- Order of the Coif
- University of Pittsburgh (B.A., *magna cum laude*, 2013)

Blog Posts: Bankruptcy Update

Bankruptcy Update Blog provides current news and analysis of key bankruptcy cases and developments in US and cross-border matters. Patterson Belknap's Business Reorganization and Creditors' Rights attorneys represent creditors' committees, trade creditors, indenture trustees, and bankruptcy trustees and examiners in US and international insolvency cases. Our team includes highly skilled and experienced attorneys who represent clients in some of the most complex cases in courts throughout the US and elsewhere.

February 29, 2024

Citing Knowledge of Irregularities in Purported Ponzi Scheme, Bankruptcy Court Deems Pre-Bankruptcy Transfers Fraudulent

Publicly, Diamond Finance Co. ("Diamond") provided car loans to individuals with less-than-stellar credit. While Diamond did have "some actual business," its purpose "quickly became a front to lure unsuspecting investors." Like most Ponzi schemes, Diamond eventually collapsed; an involuntary...

January 31, 2024

Bankruptcy Court Provides an Object Lesson to Practitioners: Return Your Client's Calls

Judge Jacqueline P. Cox recently found that three Illinois attorneys violated their ethical obligations by failing to return their client's phone calls. She thus ordered the attorneys to return half of their already-court-approved, and paid, flat fee. In In...

October 31, 2023

Second Circuit Rejects Former Real Estate Mogul's Appeal

After years of litigation involving state, federal, Irish, and (to a lesser extent) Swiss law; transfers of numerous assets, including Ireland's priciest-personal residence; a jury trial; and extensive post-trial briefing, the Second Circuit made short shrift of a former...

August 31, 2023

Ex-Con Held in Civil Contempt but Escapes Incarceration (For Now)

Bankruptcy Judge James J. Tancredi appeared to give a chapter 7 debtor one last chance to avoid being incarcerated. In adversary proceedings arising out of the bankruptcy of a thrice-convicted former stockbroker, *In re Simone*, No. 18-21993 (JJT),...

June 26, 2023

Former Bang Energy Drink CEO Loses Bid to Control Social Media Accounts

When he was appointed by the Eleventh Circuit, U.S. Bankruptcy Judge Peter D. Russin probably did not expect to have to decide who has rights to the Twitter, Instagram, and TikTok handles associated with social-media-forward energy-drink brands. But that...

April 28, 2023

Despite Discretionary Standard, Courts Still Must Show Their Work

Although in the Ninth Circuit the decision to revisit an order under FRCP 60 is "highly discretionary," judges still must explicitly grapple with the relevant factors. That was the clear message sent by Judge Haywood Gilliam Jr. of the...

February 28, 2023

Applying the Barton Doctrine, the Fifth Circuit Deepens Its Schism with the Eleventh

In a recent per curiam opinion, the Fifth Circuit recommitted to its practice of dismissing claims against court-appointed fiduciaries when plaintiffs fail to obtain permission before bringing suit. The court rested its decision on the Barton doctrine, which other...

October 31, 2022

SCOTUS Grants Certiorari, Remands U.S. Trustee Fee Dispute to Second Circuit

The ramifications of uneven increases to fees in chapter 11 bankruptcies continue to ripple through federal courts. As we discussed previously, Congress enacted legislation in 2017 that temporarily increased U.S. Trustee fees chapter 11 debtors had to pay...

August 17, 2022

For Hawaiian Golf Project, it's Aloha New Ownership, Aloha Old Debt

The owners of an ambitious Hawaiian golf project in the Makaha Valley of Oahu said Aloha (hello) to new owners, and Aloha (goodbye) to old debt obligations. In an adversary proceeding, the collective owners of the Makaha Valley Country...

June 30, 2022

Delaware Court Finds Texas's Trust Fund Doctrine Lives, but Debtor's Fiduciary Claims Dead on Arrival

A Delaware bankruptcy court recently held that Texas's "trust fund doctrine" remains applicable for companies that have not availed themselves of Texas's formal dissolution process. Nonetheless, fiduciary claims by a chapter 7 debtor were dismissed because the debtor failed to...

April 29, 2022

Fiduciary Duties Waivable by Contract, Precluding Claims

The U.S. Bankruptcy Court in Manhattan recently reminded us why Delaware choice-of-law provisions are so popular in limited partnership and other agreements. In an adversary proceeding, Judge David S. Jones held that proposed fiduciary claims were futile because of...

February 11, 2022

Bankruptcy Court Won't Dabble in Case Concerning a Marijuana Business

"[E]n snared between his involvement in a business that is legal under the laws of Arizona but illegal under federal law," one debtor's chapter 13 petition was recently dismissed due to his undisputed violations of the Controlled Substances Act. In...

November 29, 2021

Considering the Conduct of Two PPP "Fraudsters," Bankruptcy Court Shows Its Teeth but Declines to Bite (For Now)

"Messrs. Woods and Wu are fraudsters," Judge Christopher S. Sontchi declared in the opening salvo of his scathing opinion. According to the former Chief Judge of the U.S. Bankruptcy Court for the District of Delaware, Woods and Wu...

October 19, 2021

Unqualified CARES Act Funds Can't Be Used To Pay Creditors

U.S. Bankruptcy Judge Craig A. Gargotta rejected a debtor's attempt to use CARES Act funds, which it did not actually qualify for, to pay creditors in its chapter 11 case. BR Healthcare Solutions (the "Debtor") operated a nursing home under...

August 13, 2021

When Potentially Violating "Gatekeeping" Orders, Asking for Permission May Be Easier (And Cheaper!) Than Begging for Forgiveness

Judge Stacey Jernigan did not mince words in a recent opinion sanctioning the former CEO of Highland Capital Management, LP. Entities related to the former CEO brought suit against Highland (the debtor in a Chapter 11 bankruptcy proceeding), and...

July 2, 2021

Maryland Court Discharges Student Debt

As we reported, on June 21, 2021, the U.S. Supreme Court declined to revisit the rigid Brunner standard for determining "undue hardship" capable of discharging student debt. The same day, United States Bankruptcy Judge Michelle M. Harner applied the...

May 21, 2021

Bankruptcy Court Dismisses NRA's Ch. 11 Petition

United States Bankruptcy Judge Harlin Hale recently dismissed the National Rifle Association's Chapter 11 petition as not filed in good faith. The decision leaves the 150-year-old gun-rights organization susceptible to the New York Attorney General's suit seeking to dissolve...

April 2, 2021

Consider Skipping the “Certified” Option When Serving Pleadings

When serving pleadings in an adversary proceeding, you may want to skip the certified option and go with regular first-class mail, or do both. Federal Rule of Bankruptcy Procedure 7004 governs service of process in adversary proceedings. The statute...

February 2, 2021

Delaware Bankruptcy Court Teaches Important Lesson on Timely Lien Perfection

Perfect your liens on time or you may lose them. That’s the painful lesson U.S. Bankruptcy Judge Karen B. Owens taught Halliburton Energy Services, Inc. in her recent decision. Ruling on plaintiff-debtor Southland Royalty Company LLC’s motion for partial...

Publications

March 25, 2024

Bankruptcy Ruling Stresses Value of Client Communication

Law360

December 14, 2020

New York Passes Postmortem Right of Publicity Statute