



Maria E. Windham

Shareholder

801-323-3377

Practice Areas

- Litigation
- Securities Litigation
- Whistleblower, Qui Tam and False Claims Act Practice Group
- Women Lawyers Group
- Appellate Practice
- Natural Resources, Water, Environmental and Local Government Law
- Receivership Practice Group
- Direct Selling

Ms. Windham is an experienced trial attorney who practices general commercial litigation and has special experience in securities law, immigration law, and administrative proceedings. She regularly represents her clients in trial courts, in FINRA arbitration, and before state and federal government agencies.

Ms. Windham has more than 12 years of experience handling complex fraud litigation and federal and state governmental investigations of alleged securities laws violations. She is currently the court-appointed federal equity receiver in a case filed by the United States Securities & Exchange Commission (SEC) to halt a \$16 million Ponzi scheme. She has obtained multi-million dollar FINRA arbitration awards and settlements for injured investors. She has also successfully defended licensed and unlicensed individuals accused of insider trading and other securities law violations. She is the Secretary of the Securities Law Section of the Utah State Bar

Ms. Windham also regularly represents clients in immigration matters and is leading the firm's growing immigration law practice. She provides immigration advice and services to support large and small employers that operate with international workforces. Ms. Windham files petitions for non-immigrant employment visas and for green cards. She also uses extensive experience interfacing with government agencies to assist with internal I-9 audits and defend employers in ICE investigations.

Ms. Windham maintains an AV Preeminent (4.9) rating with Martindale Hubbel, which is the highest rating awarded to attorneys for professional competence and ethics. She is recognized as a "Rising Star" in Securities Litigation by Mountain States Super Lawyers (2012-2018), and she has been voted by her peers throughout the state as one of Utah's "Legal Elite", as published in Utah Business Magazine (2012-2014, 2017).



SAMPLE REPRESENTATIONS:

- *SEC v. Marquis Properties, LLC.*, Case No 2:16-cv-00040-JNP (pending). Ms. Windham is the court-appointed federal equity receiver of a company operated as a \$16 million Ponzi scheme.
- *Phillips v. Dep't of Commerce*, 2017 UT App 84, 397 P.3d 863. Successful appeal overturned \$413,750 civil penalty imposed on client for violations of the Utah Securities Act.
- *Harriman v. Galbraith*, 2:14-CV-00482. Ms. Windham and her partner obtained federal jury verdict and award of all requested damages in favor of plaintiff investment banker client in breach of verbal contract case.
- In the Matter of the Arbitration between *Healthright Partners, et al. v. Lincoln Fin. Advisors, Corp.* (FINRA Arbitration 09-02961, Sept. 27, 2010). Ms. Windham and her partner obtained arbitration award in excess of \$4 million for plaintiff client investors in FINRA selling-away case.
- *United States ex rel. Lemmon v. Envirocare of Utah, Inc.*, 614 F.3d 1163 (10th Cir. 2010). Briefed appeal in which the Tenth Circuit re-instated client's complaint that had been dismissed by the trial court. Tenth Circuit held that the client, a qui tam relator, adequately pleaded that Envirocare defrauded the U.S. government by concealing hazardous waste disposal violations.
- In the Matter of the Arbitration between *Eliason et al. v. T.D. Ameritrade, Inc.* (FINRA Arbitration 09-02054, July 9, 2010). Obtained \$6.9 million arbitration award for day trader whose brokerage firm arbitrarily froze his options trading account on a day of heavy market loss.
- *United States v. Clarkson*, 551 F.3d 1196 (10th Cir. 2009). Obtained 10th Circuit reversal of criminal conviction and subsequent release of criminal defendant because police-dog-in-training was unqualified to perform drug search.

Education

S.J. Quinney College of Law, University of Utah, J.D., 2005



- Order of the Coif
- Managing Editor, UTAH LAW REVIEW
- Graduate Certificate in Natural Resources and Environmental Law
- William H. Leary Scholar

University of Utah, B.S., Geography, 2002

- *summa cum laude*
- Certificate in Urban Planning

Prior Professional Experience

- Law Clerk to Justice Matthew B. Durrant, Utah Supreme Court
- Law Clerk, U.S. Securities & Exchange Commission, Summer 2003

Admitted to Practice

- Utah State Bar
- Utah Supreme Court
- United States District Court for the District of Utah
- United States Court of Appeals, Tenth Circuit

Affiliations / Memberships

- Women Lawyers of Utah
- Secretary, Securities Section of the Utah State Bar
- Member, Natural Resource Section of the Utah State Bar

Professional and Civic Activities

- Volunteer & Past Project Leader, Ray Quinney & Nebeker Signature Pro Bono Project (2014-present) (representing defendants facing jail time for contempt of court at Utah Office of Recovery



Services at Order to Show Cause Calendar)

- Secretary, Securities Section of the Utah State Bar

Publications / Presentations

- Speaker, Could This Real Estate Investment be a Ponzi Scheme? – Views on Ponzi Fraud in Utah, Utah State Bar Spring Convention, March 9, 2018
- Speaker, Case Study: The Conviction of Shkreli Attorney Evan Greebel, Utah State Bar Business Law & Securities Law CLE, February 7, 2018
- Speaker, The Art of Civil Trial Objections (and Responses), National Business Institute, June 24, 2016
- Statutes of Limitations: Utah, Practical Law (2015, 2016)
- Note, Finding the Line Between Action and Inaction, *SUWA v. Norton* and Judicial Review of Statutory Land Management Standards, *Utah Law Review* (2004)
- Development, Multipurpose Vehicle Checkpoints Are Unreasonable Seizures under the Utah Constitution, *Utah Law Review* (2004)