Harvey E. Bines

Partner

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Harvey practices primarily in the areas of international and domestic corporate finance and domestic corporate governance, investment management law, securities law, including the Investment Company Act and Investment Advisers Act, and corporation, limited liability company and partnership law. Harvey counsels domestic and foreign clients, and advises clients respecting domestic and offshore investments and transactions. He also counsels on CFIUS compliance in international transactions following enactment of FIRRMA and compliance requirements under the recently-enacted Corporate Transparency Act.

Harvey was formerly an associate professor of law at The University of Virginia School of Law (investment law, torts) and an adjunct professor at Boston College Law School (corporate finance). Harvey has advised and lectured in Israel, Ireland and Central and Eastern Europe. He has served as a board member of an NYSE-listed company and of an NASD company. Harvey has lectured in the United States and in China, England, the Czech Republic, Austria and Hungary on private-equity investment, institutional investment and public and private investment companies and other collective investment vehicles. As a member of the Advisory Committee, he counseled on the revised prudent investor rule, extensively analyzed and discussed in his treatises.

Education

- University of Virginia School of Law (J.D., *Order of the Coif*)
    - (Executive Editor, Virginia Law Review)
- Massachusetts Institute of Technology (B.S. (E.E.))

Bar & Court Admissions

- Massachusetts
- Virginia, 1971 (Associate Member)
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, District of Massachusetts
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit

Capabilities

- Capital Markets
- Corporate
- Emerging Companies & Venture Capital
- Fintech & Blockchain
- Financial Services
- Global Capital Markets
- Hi-Tech
- Investment Advisers, Commodity Trading Advisors & Institutional Investors
- Investment Management
- Israel/Middle East
- Mergers & Acquisitions
- Private Equity
- Private Investment Funds & Institutional Investors
- Privately Held & Family Owned Businesses
- Registered Funds & Independent Trustees

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- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Tenth Circuit
- Supreme Court of the United States

Professional Qualifications

- Military Service - Lieutenant, United States Navy, 1963-1967 (Naval Flight Officer, Fighter Squadron Eighty-Four)
- Massachusetts, Virginia, and Boston Bar Associations
- American Law Institute
- Trustee and Treasurer, Albert Schweitzer Fellowship
- Special Counsel, Division of Investment Management, Securities & Exchange Commission (1974)
- BBA Drafting Committee, Ch. 156C Limited Liability Company Act
- BBA Drafting Committee, BBA Comments on Opinion Accord

Awards & Honors

- Recommended by *The Legal 500 U.S.* (2026)
- *Best Lawyers*' Boston Corporate Compliance Law Lawyer of the Year (2015, 2020)
- *Best Lawyers in America®* (2007-2026)
- Massachusetts *Super Lawyers* (2004-2005, 2007-2009, 2011-2012)
- *Who's Who in America*

Additional Publications

- "Investment Management Law and Regulation," (Wolters Kluwer, 3rd ed., 2014; 2nd ed. 2004; 1st ed. 1978; Supp. 2022), with Professor Steve Thel
- "Due Diligence as a Duty," as published in Inside the Minds: Business Due Diligence Strategies, Thomson Reuters (Nov. 2008)

Matters

- Represents public and private clients, including regulated entities, in domestic and offshore mergers and acquisitions, tender offers, asset dispositions and equity financings, refinancings and restructurings, in large and small transactions
- Advises institutional investors, public, private and nonprofit, on issues arising under the Investment Company Act, the Investment Advisers Act, the prudence and prohibited transaction provisions of ERISA, and the Prudent Investor Rule under common law and state and federal statutes

Treatises

- "Investment Management Law and Regulation," (Wolters Kluwer, 3rd ed., 2014; 2nd ed. 2004; 1st ed. 1978; Supp. 2022), with Professor Steve Thel
- "Due Diligence as a Duty," as published in Inside the Minds: Business Due Diligence Strategies, Thomson Reuters (Nov. 2008)

Articles and Notes

- "A Private Equity Fund Variant for Investment in China," delivered at Tsinghua University, executive MBA Program (November 15, 2007)
- "The Remarkable Contribution of Trust Law Developed under Common Law to Capital Formation in the United States," a paper delivered at Peking University Law School (May 13, 2007)
- "Investment Management Arrangements and the Federal Securities Laws," with Professor Steve Thel, *Ohio State Law Journal*, Volume 58 (Number 2, 1997)
- "Modern Portfolio Theory and Investment Management Law: Refinement of Legal Doctrine," 76 *Colum. L. Rev.* 21 (1976), republished in 19 Corp. Prac. Comm. Nos. 1 and 2 (Spring and Summer 1977)
- "Setting Investment Objectives: The Suitability Doctrine Parts I and II," 4 *Sec. Reg. L.J.* 276 and 418 (1976-1977)
- "Regulating Discretionary Management: Broker-Dealers as Catalysts for Reform," 16 *B.C. Ind. & Com. L. Rev.* 427 (1975)
- "Marketing Investment Management," 11 Rev. Sec. Reg. 927 (1978)
- "Remedying Ineffective Representation in Criminal Cases: Departures from Habeas Corpus," 59 *Va. L. Rev.* 927 (1973)
- "Note, Government as Proprietor: The Private Use of Public Property," 55 *Va. L. Rev.* 1079 (1969)
- "Operating Agreements for a Limited Liability Company Organized Pursuant to Chapter 156C of the Massachusetts General Laws," Boston Bar Association and Massachusetts Bar Association (December 1995)
- "Some Views on Privatization in Central and Eastern Europe 1991-1995," presented at Symposium: A Recipe for Effecting Institutional Changes to Achieve Privatization, 13 *B.U. Int'l L.J.* 295 (1995)
- "Investment Fund Modeling; Lessons from the American Experience" (September 1991). Paper presented in Budapest (October 1991) and Prague (October 1991), translated and published in the Czech Republic in the Finance and Credit Review (1992)
- "The U.S. Mutual Fund Industry," Fourth Annual Unit Trust Conference (IBC/UTA London, November 1990)
- "Mutual Fund Communications to Prospective Shareholders" (Federal Bar Ass'n/CCH March-April 1987, with Sarah O'Neil)
- "Venture Capital, Legal Issues in Pension Investment" (PLI May 1981, with Robert Carlson)
- "Securities Lending, Legal Issues in Pension Investment" (PLI May 1981 with Robert E. Carlson)
- "Certain Hedge Funds are Using Enhanced Investor Liquidity as a Marketing Tool," *The Hedge Fund Law Report* (June 3, 2009)
- "Harvey Bines Interviewed by *Globes*," *Globes* (November 25, 2008)