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## EXPERTISE

Asset Management, Business Formation, Corporate Governance, Mergers & Acquisitions, Nonprofits, Private Equity & Venture Capital, and Public Companies

## EDUCATION

Columbia Law School, J.D., *Harlan Fiske Stone Scholar*, 1996

Massachusetts Institute of Technology, M.S.R.E., 1993

Massachusetts Institute of Technology, M.C.P., 1993

Princeton University, B.A., *magna cum laude*, 1989

## ADMITTED IN

Colorado, District of Columbia, New York, and Washington

Peter Schwartz's principal areas of practice include: corporate finance; public and private securities offerings; merger and acquisition transactions for public and private companies; and private equity and other alternative asset fund formation, mutual funds, and investment advisers. He also counsels traditional for-profit, public benefit, and nonprofit clients on compliance and disclosure issues, as well as on general corporate and governance issues.

Mr. Schwartz has practiced at Davis Graham & Stubbs LLP since 2000. Prior to that, he was an associate at a law firm in Washington, D.C. from 1996 to 2000.

## AWARDS AND RECOGNITION

- Since 2006, Mr. Schwartz has been recognized in *The Best Lawyers in America*® for Mutual Funds Law and was named Denver "Lawyer of the Year" for Mutual Funds Law by *Best Lawyers*® in 2013 and 2016.
- In 2016-2019 and 2021, he has been recognized as a *Colorado Super Lawyer* by Thomson Reuters in the practice area of Securities and Corporate Finance.
- Mr. Schwartz was awarded *Law Week Colorado's* Barrister's Best 2016 as the "People's Choice" Lawyer for Nonprofit Law.
- In 2017, he became an American Bar Foundation Fellow, joining an honorary organization of attorneys, judges, law faculty, and legal scholars whose public and private careers have demonstrated outstanding dedication to the welfare of their

communities and to the highest principles of the legal profession. Membership is limited to one percent of lawyers licensed to practice in each jurisdiction. Members are nominated by their peers and elected by the Board of the American Bar Foundation.

- While at Columbia Law School, Mr. Schwartz was a Harlan Fiske Stone Scholar each year (awarded annually in recognition of superior academic achievement) and was the recipient of the Jane Marks Murphy Prize in 1996 (awarded annually to a student who displays exceptional interest and proficiency in advocacy in clinical offerings).

## CIVIC AND PROFESSIONAL ACTIVITIES

Mr. Schwartz was the Chairman of the Board of the Colorado Lawyers Committee (CLC) from 2018 to 2020, after serving as Secretary/Treasurer from 2016 to 2018. He has been a member of the Executive Committee since 2013 and a member of the Board of Directors since 2006. The CLC is a nonpartisan consortium of more than 70 Colorado law firms with over 800 volunteer attorneys dedicated to creating and increasing opportunities for children, the poor, and other disadvantaged communities through advocacy, negotiation and litigation.

Mr. Schwartz was the Chairman Emeritus of the Board of Directors of the Colfax Marathon from 2018 to 2020 and Chairman from 2016 to 2018, Secretary from 2015 to 2016, and a Board member from 2013 to 2018. The Colfax

Marathon is a nonprofit organization whose mission is to produce the premier marathon weekend in the Mountain West Region while being committed to community, philanthropy, and fun. Originally created by the cities of Denver, Lakewood, and Aurora to recognize Colfax Avenue, the longest commercial street in the U.S., the race has grown to be a nationally recognized event featuring unique courses incorporating the iconic landmarks of the Mile High City.

Mr. Schwartz is involved in several other civic and pro bono projects. He served as co-chair of the Legal Services component of Project Homeless Connect since its inception in 2005. He also leads several projects that seek to expand the ability of corporate attorneys to find and undertake transaction-related pro bono opportunities, including the Colorado Covid Legal Relief (CCLR) program.

## SELECTED PUBLICATIONS

Mr. Schwartz has written and co-authored articles in several journals, including a bi-monthly column in *Wall Street Lawyer* for nearly 20 years through the end of 2020. He is also the co-author and contributing author of several chapters and treatises on corporate, securities, and nonprofit matters.

### Corporate & Securities

- Peter H. Schwartz & Kelsey A. Swagger, “SEC/SRO Update: SEC Proposes to Improve the Retail Investor Experience Through Modernized Fund Shareholder Reports and Disclosures; SEC Modernizes the Accredited Investor Definition; SEC Adopts Rule Amendments to Modernize Disclosures of Business, Legal Proceedings, and Risk Factors Under Regulation S-K; SEC Charges Ponzi Scheme Targeting African Immigrants.” *Wall Street Lawyer* (October 2020)
- Peter H. Schwartz & Stephanie G. Danner, “SEC/SRO Update: Financial Regulators Modify Volcker Rule; SEC Charges Microcap Fraud Scheme Participants Attempting to Capitalize on the COVID-19 Pandemic; SEC Proposes Amendments to Update Form 13F for Institutional Investment Managers; SEC and Justice Department’s Antitrust Division Sign Historic Memorandum of Understanding,” *Wall Street Lawyer* (August 2020)
- Peter H. Schwartz & Kelsey A. Swagger, “SEC/SRO Update: SEC Adopts Amendments to Reduce

Unnecessary Burdens on Smaller Issuers by More Appropriately Tailoring the Accelerated and Large Accelerated Filer Definitions; SEC Proposes to Modernize Framework for Fund Valuation Practices; SEC Enhances Standards for Critical Market Infrastructure; Foreign National and American Trader Settle Fraud Charges in Edgar Hacking Case.” *Wall Street Lawyer* (June 2020)

- Peter H. Schwartz & Kelsey A. Swagger, “SEC/SRO Update: SEC Proposes Rule Changes to Harmonize, Simplify, and Improve the Exempt Offering Framework; SEC Amends Rules to Improve Disclosure and Encourage Issues to Conduct Debt Offerings on a Registered Basis; SEC Proposes Amendments to Modernize and Enhance Financial Disclosures.” *Wall Street Lawyer* (April 2020)
- Peter H. Schwartz & Laura Plfumm Cerezo, “SEC/SRO Update: SEC Proposes to Modernize Regulation of the Use of Derivatives by Registered Funds and Business Development Companies; SEC Proposes Rules to Implement the Statutory Mandate to Adopt Resource Extraction Disclosure Rules; SEC Proposes to Codify Certain Consultations and Modernize Auditor Independence Rules,” *Wall Street Lawyer* (February 2020)

### Nonprofits

- Contributor, *Principles & Practices for Nonprofit Excellence in Colorado*, 4<sup>th</sup> Ed. (Colorado Nonprofit Association, 2018)
- Peter H. Schwartz, “Liability and Risk Management for Nonprofit Organizations,” a revised chapter of *Guide for Colorado Nonprofit Organizations*, 2nd Ed. (Karen E. Leaffer ed., CLE in Colo., Inc. Supp. 2018)
- Peter H. Schwartz & Scott H. Challinor, “Liability and Risk Management for Nonprofit Organizations,” a chapter of *A Guide for Colorado Nonprofit Organizations*, First Ed. (Karen E. Leaffer ed., CLE in Colo., Inc. Supp. 2016)
- Contributor, *Principles & Practices for Nonprofit Excellence in Colorado*, 3<sup>rd</sup> Ed. (Colorado Nonprofit Association, 2015)
- Peter H. Schwartz & Anna Minkinow, “Colorado Governance Principles” (Lex Mundi Pro Bono Foundation, 2013)

Public Benefit Corporations

- Peter H. Schwartz & Otto Miguel Hanson, "Colorado Passes Amendments to Public Benefit Corporations Act," *DGS Client Alert* (June 2017)

## SELECTED SPEAKING ENGAGEMENTS

Corporate & Securities

- Panelist, "Advertising Your Fund," DGS Private Fund Academy (May 2018)
- Panelist, "SEC Enforcement Developments," ALPS Fund Services (ALPS) Client Forum (March 2018)
- Panelist, "SEC Enforcement Developments," ALPS Fund Services (ALPS) Client Forum (Mar. 2017)
- Panelist, "Dodd-Frank and Investment Advisor Registration: A Look Back and a Look Forward," Colorado Bar Association: Securities Subsection Luncheon Series (November 2016)
- Moderator, "Surviving Regulatory Examinations," DGS Compliance Roundtable Series (September 2016)
- Panelist, "SEC Enforcement and Investment Management Litigation Trends," ALPS Client Forum (March 2016)
- Panelist, "Cybersecurity: The Changing Regulatory Landscape for Asset Managers," DGS Compliance Roundtable Breakfast Series (November 2015)
- Panelist, "SEC Exam Issues for New or Private Fund Registered Advisors" Cohen and Co. Client Conference (September 2015)
- Panelist, "Current Regulatory Issues," *Denver 1940 Act Group* (March 2015)

Nonprofits

- Speaker, "Nonprofit Contracts: Protecting Your Organization," Lorman Live Webinars (October 2017)
- Moderator, "Continuing Legal Education (CLE) Component of the Nonprofit Audit Legal Clinic," Colorado Nonprofit Pro Bono Legal Group (February 2017, July 2017, and February 2018)
- Speaker, "Insurance Policies for Nonprofits," Nonprofit Learning Lab (January 2017)
- Speaker, "Nonprofit Contracts: Protecting Your Organization," Lorman Live Webinars (October 2016)

Public Benefit Corporations

- Panelist, "Colorado Public Benefit Corporations Start on April 1, 2014 – Are You Ready?" B-Lab Colorado (January 2014)

Other

- Panelist, "Here's How to Pay It Forward: Pro Bono In-House Style," Association of Corporate Counsel (Colorado Chapter): Pro Bono Committee (July 2015)
- Panelist, "The Role of Business Lawyers in Providing Legal Services that Directly or Indirectly Help the Poor," American Bar Association Business Law Section: Pro Bono Breakfast and Committee Meeting (August 2010)