

## **MVP: Mayer Brown's Mark G. Hanchet**

By **Hannah Albarazi**

*Law360 (October 4, 2023, 1:02 PM EDT)* -- Mark G. Hanchet of Mayer Brown LLP's banking practice shepherded in two high-profile victories for clients in the D.C. Circuit and the Second Circuit that curb liability under the Anti-Terrorism Act for the entire financial industry, earning him a spot as one of Law360's 2023 Banking MVPs.

### ***His biggest accomplishment over the past year:***

Hanchet told Law360 that his greatest accomplishment of the past year has been obtaining major appellate-level decisions for financial institutions facing claims brought by U.S. citizens under the Anti-Terrorism Act for injuries they've suffered as victims of international terrorism.

In September 2022, Hanchet landed precedent-setting wins involving the scope of the Anti-Terrorism Act in *Bernhardt v. Islamic Republic of Iran et al.* in the D.C. Circuit Court of Appeals followed by another far-reaching win in January 2023 in the Second Circuit case, *Freeman v. HSBC Holdings PLC*.

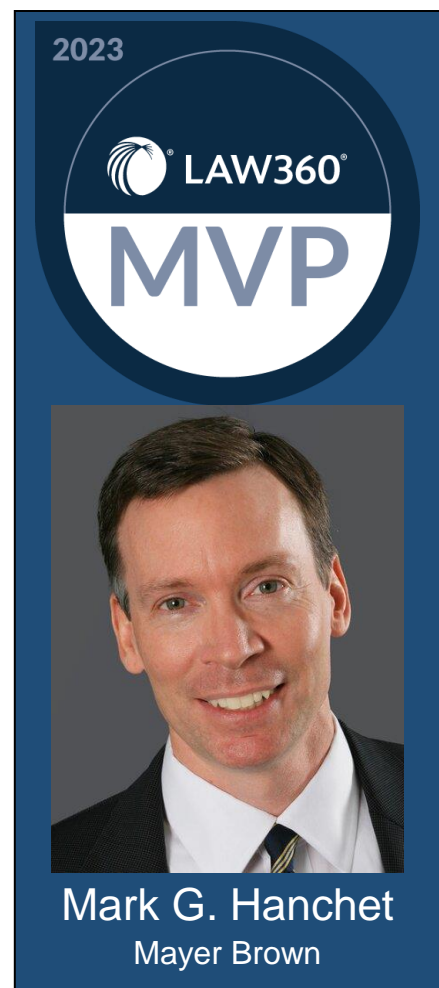
The Freeman and Bernhardt decisions "curtailed claims that can be asserted against legitimate banking businesses, which often operate in troubled parts of the world," Hanchet said.

He stressed that "without limits on Anti-Terrorism Act liability, some banks are simply going to be forced out of these geographies. And perversely, if they're forced out, that creates an environment where unregulated [entities] can thrive, and that would serve to defeat the public policy goals that are really inherent in the ATA."

The Freeman decision, in which the Second Circuit affirmed the dismissal HSBC and other banks had obtained at the Eastern District of New York, "is enormously beneficial to the industry as a whole."

"It kind of restricts the ability of plaintiffs to assert what I would consider frivolous claims, based on coincidental proximity to a wrongdoer," he said.

The Bernhardt decision held that a financial institution cannot be held secondarily liable for aiding and



abetting terror without showing that the institution knew it was substantially assisting a terrorist, Hanchet said.

He argued that global banking institutions operate, to some degree, "as a window into financing transactions in troubled parts of the world and if that window is closed, you don't know what's going to be going on inside."

"If we go back to briefcases moving around at dusk, then you know there isn't going to be that type of ability to monitor and, hopefully, prevent terror activity," Hanchet said.

***What motivates him:***

"I never really lose sight of the fact that as an individual practicing law and representing these companies, advising these companies, I have an opportunity — I'd even go so far as to say a responsibility — to help shape our society as we zealously represent our clients," Hanchet told Law360.

Hanchet said he's particularly passionate about his work advising and representing banks and financial services clients on Environmental, Social and Governance exposure.

Many clients, he said, "are concerned about greenwashing supply chains, anti-ESG initiatives and legislation in different parts of the country, shareholder pressure, reputational risk, etc."

"I think it's really important that we as advisers are guiding our clients through the law and the thickets of exposure, but also trying to sort of advance society's interests," Hanchet said.

"There are a lot of issues that are coming out of this ESG movement which have a profound impact on how they do business and where they're going to do business, where they're going to stop doing business, and lawyers have a massive role in helping them sort out those issues," he told Law360.

Hanchet said ESG advising is increasingly a bigger part of his practice.

***His proudest moment of the year:***

Hanchet, who heads Mayer Brown's gun control pro bono practice group, said he's especially proud of the work he did representing the city of Chicago in its lawsuit seeking to hold a gun shop accountable for allegedly facilitating the illegal trafficking into the city of hundreds of guns that later turned up at crime scenes.

Mayer Brown, working alongside the gun control advocacy group Everytown for Gun Safety Support Fund, represented the city of Chicago in its suit against Westforth Sports Inc. and landed a big win in the case over the summer.

Rather than continuing to fight the claims, the gun dealership permanently closed its doors.

"If there's anything that's really horrific, it's gun violence in Chicago, and if we can even keep one gun off the streets in Chicago, that's a good thing," Hanchet said. "And we did much more than that."

***Why he's a banking attorney:***

Hanchet said that as a student, he discovered a passion for language, travel and learning about different cultures, and that he sought out opportunities throughout his career to get involved in international transactions and international litigation.

He said he's always been interested in clients and law that had cross-border, international and cross-cultural elements.

***His biggest challenge of the past year:***

Hanchet, who's based in New York City, told Law360 that nurturing the firm's post-pandemic work culture has been one of the biggest challenges of the last year.

During the pandemic, impromptu coffee breaks and in-person brainstorming sessions — where, he says, "some of the best thinking and strategizing actually occurs" — vanished.

Since younger attorneys have spent most, or in some cases all, of their careers working remotely, he said it's been a challenge to introduce them to in-person collaboration.

"I think we've done a good job, and I'm certainly proud of how far we've come, but there's still work that needs to be done," Hanchet said.

***His advice for junior attorneys:***

Hanchet said what has worked best for him has been "focusing on the things that I really enjoyed."

"I think I've made my career really enjoyable because I've been able to do the things that have always interested me, and by really thinking about what I like to do, I've been able to shape my career to pursue those [things]," he said.

*--As told to Hannah Albarazi*

*Law360's MVPs of the Year are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals, and complex global matters. A team of Law360 editors selected the 2023 MVP winners after reviewing more than 900 submissions.*