

Max B. Chester

Partner

mchester@foley.com

Milwaukee

414.297.5573



Max B. Chester focuses his practice on litigation and arbitration of domestic and international commercial business disputes and government enforcement actions, primarily in the areas of insurance and reinsurance, financial fraud, securities enforcement and FCPA. He is a partner in the firm's Insurance and Reinsurance Litigation Practice Group and the International Arbitration Team.

Max Chester has participated in over 10 trials and final evidentiary arbitration hearings to date. As a junior associate, Max was a member of a trial team that represented a New York-based insurer in three separate arbitrations against U.S. and European reinsurers. The arbitration hearings lasted several weeks in each case, and he assisted in all aspects of the hearings and conducted direct examinations of several witnesses. In 2006, Max was a member of a jury trial team in Seattle state court, representing a large Swiss pharmaceutical company against its former head of research and development who failed to disclose an invention. The matter settled favorably two weeks into trial. He conducted a one-day bench trial as a senior associate in the Immigration Court in Chicago, representing an Iranian refugee seeking political asylum in the U.S. The court ruled in the client's favor. In 2010, Max was second chair in a jury trial in federal court in Green Bay. This was a test case brought by a credit union against the IRS, arguing income derived from sale of various financial products was not subject to income taxes. The jury returned a verdict in client's favor. Max was also second chair in a week-long reinsurance arbitration defending a European reinsurer against claims for indemnity under a finite treaty, and the panel ultimately ruled in client's favor. As a partner, Max was co-lead counsel in a multi-day bench trial in Washburn County (Wisconsin) Circuit Court for the defendant, a creditor who was brought to court because the plaintiff claimed they improperly classified debt as owed by a holding company as opposed to individual subsidiaries. The court ruled in client's favor. He was co-lead counsel in a multi-week reinsurance arbitration on behalf of a state entity that insured birth-related injuries and sought tens of millions from its reinsurer pursuant to a mandatory commutation provision in the treaty; in the end, the arbitration panel awarded the client a substantial sum. Max was also co-lead counsel in a week-long reinsurance arbitration, representing a U.S. seller of insurance business that sought to recover excise taxes from the foreign buyer of the business, and the panel ruled against the client. Max's latest trial was a

multi-day arbitration hearing where he again served as co-lead counsel, representing a retrocedent that sought indemnity from its retrocessionair for Covid-19 related business interruption losses. The arbitrator ruled in client's favor.

Representative Experience

- FCPA compliance review for a Fortune 50 company in Russia and Kazakhstan.
- FCPA counseling of U.S. entities establishing operations in Russia and Ukraine.
- Representation of a Ukrainian company in litigation in California state and federal courts against the company's former U.S.-based financial agent.
- Representation of a European reinsurer in arbitration of a multimillion-dollar claim made by an insolvent U.S. ceding company regarding a finite risk treaty.
- Representation of a U.S. financial services company in arbitration with a foreign reinsurer regarding payment of excise taxes.
- Representation of a U.S. state association covering birth-related injuries in arbitration with a reinsurer regarding mandatory commutation of the reinsurance agreement.
- Representation of a Bolivian insurance company in Florida state court to recover damages from payments made under insurance bonds for a US\$78m construction project in Bolivia.
- Representation of a publicly traded company in the SEC's investigation and related securities class actions regarding the company's ownership of an entity that specialized in investment in and securitization of credit sensitive residential mortgage assets.
- Internal investigations for privately held and publicly traded clients.

Affiliations

- Member, State Bar of Wisconsin

Pro Bono

Max is also active in pro bono matters. He won political asylum after a trial in the United States Immigration Court in Chicago for a refugee from Iran who was persecuted for converting from Islam and becoming a member of a Bahai faith. He represented an elderly Holocaust survivor in a claims proceeding before the Conference on Jewish Material Claims Against Germany. Max volunteers in the Milwaukee Justice Center and through the American Bar Association (ABA) site, www.ABAFreeLegalAnswers.org, to provide answers to legal questions posed by low-income individuals. The ABA has recognized Max as the ABA Free Legal Answers 2021 and 2023 Pro Bono Leader for his extraordinary pro bono services through the ABA Free Legal Answers website.

Languages

- Russian (native speaker)
- Ukrainian (fluent)

Sectors

- Energy
- Oil & Gas
- Renewables

Practice Areas

- Consumer Law, Finance & Class Action Group
- Government Enforcement Defense & Investigations
- Insurance & Reinsurance Litigation
- International Arbitration
- International Government Enforcement Defense & Investigations
- Litigation
- Securities Enforcement & Litigation

Education

- Marquette University Law School (J.D., magna cum laude, 2001)
 - Senior note and comment editor for the *Marquette Law Review*
- University of Wisconsin – Madison (B.S., with distinction and honors, 1998)
 - Political Science
 - College of Letters & Science

Admissions

- Wisconsin State and Federal Courts