



Malcolm B. Nicholls, III

PARTNER

Boston

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Malcolm leads our Boston office and is a partner in our Private Funds Group focusing on the formation, structuring, operations and governance of private investment funds.

Malcolm brings more than 25 years of experience representing private fund sponsors and investment advisors globally on a wide range of issues, including fund formations, secondary transactions, internal governance, and divestments and distributions.

The majority of Malcolm's career has focused on representing venture capital and other private equity funds throughout their lifecycle. In addition, prior to joining Gunderson Dettmer in 2018, Malcolm also represented domestic and foreign institutional investors in connection with their investments into hundreds of private funds across the private equity asset class. Malcolm also has extensive experience in secondary transactions, representing both institutional investors in the acquisition and sale of secondary interests and fund sponsors in connection with GP-led transactions. The depth and breadth of Malcolm's experience and market knowledge enables him to provide valuable business and strategic advice, while balancing the competing interests of fund sponsors and their investors.

Malcolm's current practice focuses on exclusively on representing fund sponsors. Malcolm spends a significant portion of his time on the structuring, formation, organization and operation of venture capital and other private equity funds and their general partner and management company entities both for top-tier industry leaders and also first-time managers. In this capacity, Malcolm advises clients in the preparation of offering materials, negotiations with investors on fund formation matters, drafting partnership, LLC and other governance agreements, and counseling fund managers on all aspects of day-to-day operations. In addition, Malcolm advises fund sponsors on a broad range of secondary transactions, including tender offers, preferred equity financings,

continuation funds, fund restructurings and other GP-led transactions, and has worked with several management teams on large spin-out transactions.

Malcolm has been recognized as a leading fund formation attorney by Chambers USA, The Legal 500, U.S. News: Best Lawyers in America and Super Lawyers. In addition, Malcolm has authored numerous articles and has spoken at many industry conferences both domestically and abroad.

Prior to joining Gunderson Dettmer, Malcolm was the co-head of the private investment funds group at a major international law firm. He also served as a Sergeant/Russian Linguist in the U.S. Army from 1984-1988.

EDUCATION

- Boston University School of Law, J.D.
- University of New Hampshire, B.A.
 - *magna cum laude*

ACHIEVEMENTS

Malcolm serves as Boston Office Leader

Malcolm has been recognized with the following accolades:

- *Chambers USA: Private Equity: Fund Formation* 2004 – 2007; 2009 – Present.
- *Chambers Global: Venture Capital: Fund Formation* 2021 – Present.
- *The Legal 500 United States: Investment Fund Formation & Management: Private Equity Funds* 2011-2015
- *U.S. News: Best Lawyers in America* 2006-Present
- *Massachusetts Super Lawyers* 2008-Present
- *Boston's Best Lawyers* 2010

FOCUS

- Fund Formation
- Fund Operations

ADMISSIONS

- Massachusetts
- New York