



Partner

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Services

White Collar, Compliance and Investigations > Litigation >
Anti-Corruption Compliance and Investigations > Securities Litigation/Enforcement >
Asset Management Litigation/Enforcement > Complex Commercial Litigation >
Automotive and Transportation > Banking and Financial Institutions >
Life Sciences > Energy and Natural Resources > Government >

David N. Kelley, a co-leader of the white collar and securities litigation practice of Dechert LLP and former United States Attorney for the Southern District of New York, has cultivated a revered reputation for his defense of high-profile matters involving sensitive white collar litigation and investigations before major regulatory bodies. His more than three decades of experience span a diverse range of commercial litigation and federal securities as well as grand jury investigations, prosecutions and congressional inquiries. As an experienced trial lawyer and investigator, Mr. Kelley represents multinational and domestic public companies, boards of directors, audit committees, and individuals, including officers and directors, on issues arising across a broad spectrum of industries, including defense, energy, healthcare, pharmaceuticals, financial services, infrastructure, insurance, oil and gas, and retail.

Lauded as a “brilliant enforcement lawyer,” Mr. Kelley advises clients around the globe on complex business crime disputes and litigates high-stakes external investigations before federal and state government regulators and prosecutors. (*Chambers USA* 2016) He has appeared in courts and before regulatory bodies across the United States, and abroad, including the SEC, DOJ, Department of the Treasury, Office of Foreign Assets Control, Office of the Comptroller of the Currency, the

Federal Reserve Bank, State Attorneys General, Inspector Generals of various government agencies, and the UK Financial Conduct Authority. Mr. Kelley also has significant experience conducting a variety of internal investigations concerning accounting fraud and irregularities, earnings management, option backdating, commercial bribery, and personnel misfeasance.

Mr. Kelley is consistently recognized by prominent legal publications as a leading white collar crime and government investigations expert with a keen ability to "cut through the issues, find the crux of the matter, provide a succinct analytical summary of it and help devise remedial action plans." (*Chambers USA* 2016) As a federal prosecutor, he drew particular acclaim for obtaining convictions of, among others, WorldCom CEO Bernie Ebbers in his conviction of fraud and conspiracy, Martha Stewart regarding her trades of ImClone stock, and the five La Cosa Nostra families on charges of racketeering and murder. Described by clients as a "terrific enforcement lawyer," Mr. Kelley is also well regarded for his representation of Princess Cruise Lines in a settlement and resolution of a criminal investigation with the Environmental and Natural Resources Division of DOJ for environmental offenses, serving as an independent monitor of Toyota's compliance with safety efforts as part of a deferred prosecution agreement, representing Wal-Mart's audit committee in an investigation into the company's FCPA compliance and allegations of corruption, and counseling HSBC Holdings plc concerning the bank's global dollar clearing services and Bank Secrecy Act compliance. (*Chambers USA* 2016)

Mr. Kelley served as the U.S. Attorney for the Southern District of New York from 2003 to 2005, and prior to that, Deputy U.S. Attorney from 2002 to 2003. During his more than 17-years with the office, he oversaw the investigation and prosecution of cases involving an array of federal crimes pertaining to the FCPA and the Office of Foreign Assets Control as well as white collar crime, securities fraud, terrorism, and national security issues. In addition, Mr. Kelley was appointed by the New York City Police Commissioner to Chair Crime Reporting Review Committee, where he investigated the integrity of the NYPD's crime statistics reporting processes. His previous experience also includes serving as co-chair of the Justice Department's nationwide investigation into the 9/11 attacks, in which capacity he personally prosecuted John Walker Lindh. Furthermore, Mr. Kelley, who served as chief of the organized crime and terrorism unit from 1995 to 2002, is noted for leading the investigations of the 2000 Millennium bombing plots, the 2000 attack of the USS Cole in Yemen, the 1997 bombings of the U.S. embassies in Kenya and Tanzania, and for prosecuting Ramzi Yousef for his role in the 1993 bombing of the World Trade Center.

He has served as an adjunct professor at New York Law School and has also taught trial advocacy clinics at Harvard and Hofstra Law Schools. Prior to joining Dechert, Mr. Kelley served as a partner and Executive Committee member at Cahill Gordon & Reindel.

EXPERIENCE

Foreign Corrupt Practices Act

- **Wal-Mart's** Audit Committee concerning an extensive investigation by the SEC and DOJ into the Company's global FCPA compliance and allegations of corruption.
- The Audit Committee of **Qualcomm** in an investigation by DOJ and the SEC, and a related internal investigation, into the Company's FCPA compliance.

- The Audit Committee of **Pride International** in connection with one of the largest reported FCPA settlements – and the first of its kind to not impose a Monitor.
- The **Diageo** Audit Committee in connection with an internal investigation and an SEC enforcement Action concerning global FCPA compliance.

Financial Services

- **HSBC Holdings plc**, favorably resolving multi-year investigations by the Department of Justice, Office of Foreign Assets Control, Office of the Comptroller of the Currency, the Federal Reserve Bank, District Attorney of New York County, and the U.K. Financial Conduct Authority concerning various issues, including the bank's global dollar clearing services and Bank Secrecy Act compliance.
- On behalf of three other **large global banks**, representation of a Supervisory Chairman of the Board, a Chief Operating Officer and the Treasurer, respectively, in connection with various federal, criminal and regulatory investigations concerning dollar clearing and LIBOR.
- **The Federal Reserve Bank of New York.**
- A Senior Officer of **Moneygram International** in connection with a DOJ investigation into the Company's compliance with the Bank Secrecy Act.

Life Sciences

- **WellCare Health Care Plan Inc.**'s new senior management in connection with matters relating to the consequences of alleged conduct by prior management, including matters being investigated by the FBI, SEC and DOJ.
- **Former members of senior management of one of the world's largest pharmaceutical companies** in a federal criminal investigation of off-label marketing, the settlement on behalf of a medical device manufacturer with the New York Attorney General.

Securities, Accounting and Consumer Fraud

- **Senior managers of a major brokerage firm and a Fortune 500 company** before the SEC and DOJ concerning insider trading allegations.
- **Beazer Homes** in investigations by and settlement with the SEC, DOJ and other state and federal authorities concerning accounting irregularities and mortgage practices.
- The independent directors of **Freddie Mac** in connection with civil litigation and various matters arising from the Treasury Department's formal rescue plan to take control of Fannie Mae and Freddie Mac and to replace the companies' chief executives.
- The Compensation Committee of **Cablevision Systems Corporation** in shareholder litigation in New York state and federal courts arising from allegations of option-backdating and in investigations by the SEC and DOJ.
- Settlements of consumer fraud allegations by the New York Attorney General on behalf of a variety of **companies in the telemarketing, telecommunications, and healthcare industries.**

Media

- **Standard & Poor's** in connection with the investigation by and settlement with the Attorney General of New York relating to its ratings of securities backed by subprime mortgages.
- **Journalists** in connection with various federal criminal investigations and related First Amendment and federal grand jury litigation.

Responsible Sourcing

- Several of the **world's top retailers** in connection with supply chain integrity and responsible sourcing remediation.

Includes matters handled at Dechert or prior to joining the firm.

EDUCATION

- The College of William & Mary, A.B., 1981
- New York Law School, J.D., 1986

ADMISSIONS

- New York
- Connecticut

CLERKSHIPS

- United States District Court for the District of Connecticut, Honorable T.F. Gilroy Daly

SPEAKING ENGAGEMENTS

- **DRI Drug and Medical Device Seminar** , New York (May 10, 2018)
- **William & Mary Whole of Government Center of Excellence National Security Conference**, Williamsburg, VA (April 20, 2018)
- **Innoxcell Annual Symposium 2017**, Shanghai (November 7, 2017)

- **Transatlantic General Counsel Summit**, London (June 8, 2017)
- **Managing a Corporate Crisis: Strategies for Containing a Crisis and Controlling the Public Narrative While Meeting Ethical Obligations and Maintaining Privilege** - New York, NY (May 2, 2017)
- **Securities Enforcement Forum**, Washington, D.C. (October 13, 2016)
- **Corporate Enforcement Forum**, Boca Raton, Florida (May 31, 2013)