

Kassem L. Lucas

Partner
Philadelphia

kassem.lucas@troutman.com
215.981.4426



Clients know that Kassem can handle their most complex commercial litigation challenges involving insurance insolvency, reinsurance law and arbitration, as well as advise, counsel and represent colleges, universities and secondary schools on issues related to a multitude of legal issues, compliance and diversity, equity and inclusion.

Areas of Focus:

- Insurance and Reinsurance
- Business Litigation
- Higher Education

Overview

Kassem L. Lucas concentrates his practice on complex commercial litigation, particularly around reinsurance issues and insurance insolvency. He has deep experience representing the Department of Insurance of the Commonwealth of Pennsylvania in matters such as the collection of reinsurance owed by insurance companies in liquidation.

Kassem also provides litigation, counseling and investigative services to colleges, universities and secondary schools, leveraging his teaching, coaching and school administration experience to provide practical advice in the myriad complex matters facing institutions of higher education and secondary schools.

Throughout his legal career, Kassem has been a champion of diversity and inclusion in the legal profession. He develops and leads strategic initiatives to recruit, support, retain and promote attorneys from diverse backgrounds in order to improve and maintain diversity and inclusion as core values of the firm. Kassem also actively seeks opportunities to partner with the community and with clients on diversity initiatives and business development. He is a frequent speaker at conferences and events on topics related to diversity and inclusion in the legal field.

Kassem supports a wide range of institutions in their efforts to provide legally compliant, effective and organizationally integrative diversity and inclusion plans. He regularly counsels clients by providing D&I-related legal advice and compliance counseling, training, D&I program and workplace culture assessments, D&I-integrated business and communication and leadership development strategies, and human resource counseling and policy creation. He provides training for his clients that addresses the intersection of D&I and the law, among other topics.

Kassem teaches a class at the University of Pennsylvania Law School titled Diversity in the Legal Profession in which students explore how diversity and inclusion play roles in the practice of law, the legal industry, and the attorney pipeline. They learn how diversity is defined today and whether that has consequences for traditionally under-represented groups such as people of color and members of the LGBTQ community. They also look at hot topics such as implicit bias, generational diversity, and gender identity.

Kassem also has a pro bono practice in family law, where he has represented clients in child custody and child support matters, and he has also worked on labor and employment matters.

Before joining Troutman Pepper, Kassem was a teacher, coach, advisor, administrator, dorm resident and instructor at a private, co-educational secondary school, where he taught a class on African-American history and worked alongside the Dean of Students to address various issues related to campus life. He has served on the school's Board of Trustees for more than 15 years.

Representative Matters

- Representing the Department of Insurance of the Commonwealth of Pennsylvania in the collection of billions of dollars of reinsurance owed to Reliance Insurance Company, a major property and casualty insurance company now in liquidation.
- Representing the Department of Insurance of the Commonwealth of Pennsylvania in the collection of billions of dollars of reinsurance owed to Legion Insurance Company, a major property and casualty insurance company now in liquidation.
- Representing the Department of Insurance of the Commonwealth of Pennsylvania in its prosecution of a RICO and fraud action against former owners of PIC, a Pennsylvania medical malpractice insurer, for causing an insolvency estimated at several hundred million dollars.
- Presenting an appellate argument before the Pennsylvania Superior Court in a contract dispute regarding the termination of a doctor under an employment agreement.
- Representing corporations, organizations and individuals in complex contract disputes.
- Representing a start-up company in ushering the product from design to the market.
- Training faculty and staff of a university on diversity, equity and inclusion.
- Monitoring and conducting a town hall meeting with students, faculty and coaches on racial injustices in America, specifically regarding the crisis related to the death of George Floyd and other African-Americans.

Counseling a university on drafting diversity statements, creation of diversity and inclusion initiatives and marketing diversity, equity and inclusion internally and externally.

Professional and Community Involvement

- Member of the Young Lawyers Editorial Board for American Lawyer Media from its inception until 2011.
- Member of the board of directors of the Boys and Girls Clubs of Philadelphia, where he serves as first vice-chair in charge of programs.
- Volunteered as a football coach.
- Coaches a mock trial team at Franklin Learning Center.
- Worked full time as a teacher, coach, administrator, advisor and dorm resident at his alma mater, George School, a college preparatory boarding school, while attending law school in the evenings.
- Member of the George School Board of Trustees, serves as Assistant Clerk of the Board, Vice-Clerk of the Governance Committee and member of the Inclusion Oversight Committee. Created the Cyd Carpenter Alumni of Color Network and serves on the executive team.
- Participates in Martin Luther King Day Workshops at George School.
- Selected for the 2011 Leadership Counsel for Legal Diversity's (LCLD) Fellows Program. The LCLD's Fellows Program is intended to help diversify the legal profession by producing attorneys with strong leadership and networking skills who enjoy relationships with industry leaders and who are committed to fostering diversity within their individual institutions.
- Member of the Insurance Committee of the Philadelphia Bar Association from 2009-2011.
- Served as a mentor with Philadelphia Futures.
- Member of the Stakeholder 100 Class of 2007. Stakeholder 100 is a list of top performing associates of color at law firms throughout the United States.
- Serves as a Yale University alumni admissions office representative for Southeastern Pennsylvania.

Rankings and Recognitions

- Recipient of the Rick Palmore LCLD Fellow Alumni Award from the Leadership Council on Legal Diversity (LCLD) in 2018.
- Recipient of the Cecil B. Moore Award from Temple Law's Black Law Students Association (BLSA) in 2018.
- Received the 2007 Distinguished Young Lawyer Award from the Barristers' Association.
- Named partner-mentor for Eli Lilly's Preferred Outside Counsel Inaugural Diverse Associate Summit in May 2010.
- Named one of the "Lawyers on the Fast Track" in Pennsylvania by American Lawyer Media in 2005.
- Selected for inclusion on the 2011 *Pennsylvania Rising Stars* list.
- Recipient of the Craig M. Perry Community Service Award by the Philadelphia Bar Association's Young Lawyers Division in 2006.
- Recognized by *The Legal Intelligencer* as a "Diverse Attorney of the Year" featured in its 2011 Diversity Supplement.

Bar Admissions

- Pennsylvania

Court Admissions

- U.S. District Court, Eastern District of Pennsylvania

Education

- Temple University School of Law, J.D., 2000
- Yale University, B.A., 1994, Psychology

Christen Tuttle

Partner
Philadelphia

christen.tuttle@troutman.com
215.981.4285



Christen Tuttle provides clients with clear, pragmatic advice in matters including white collar investigations, white collar defense, and compliance.

Areas of Focus:

- White Collar and Government Investigations
- False Claims Act and other Whistleblower Actions
- State Attorneys General
- Fraud and Abuse Litigation and Investigations

Overview

Christen represents corporations, health care providers, educational institutions, government entities, and individuals in matters involving internal investigations and investigations by state and federal law enforcement and regulatory agencies. Christen also focuses on compliance issues, particularly in the health care sector, and was recently embedded in the compliance department of an international medical device company during a federal monitorship.

Previously, Christen was an assistant district attorney for the District Attorney's Office of Philadelphia. Christen prosecuted violent crime, narcotics, and firearm offenses, conducting jury and bench trials before the Pennsylvania Court of Common Pleas, Philadelphia Juvenile Court, and Philadelphia Municipal Court.

Representative Matters

- Represented pharmaceutical, medical device, and other health care entities in a variety of white collar matters, including allegations of violations of the False Claims Act, Anti-Kickback Statute, Foreign Corrupt Practices Act, HIPAA, and narcotics diversion.
- Represented a medical device company during a three-year federal monitorship pursuant to a Deferred Prosecution Agreement.
- Acted as counsel for the court-appointed Special Master in the multidistrict litigation following the Deepwater Horizon oil spill in the Gulf of Mexico, investigating and obtaining restitution for fraudulent claims submitted to the court-supervised settlement program.

- Conducted investigations into fraud, conflicts of interest, financial mismanagement and/or misappropriation on behalf of clients in a variety of sectors.
- Represented educational institutions and other entities regarding allegations of Title IX violations, sexual assault, and child abuse and hazing, conducting internal investigations, and coordinating with law enforcement agencies as needed.

Related Practices and Industries

- Health Sciences

Rankings and Recognitions

- Recommended for white collar criminal defense in *The Legal 500 United States* (2019)

Professional Experience

- 2007-12 Assistant District Attorney: Office of the District Attorney (Philadelphia, PA)

Bar Admissions

- Pennsylvania

Court Admissions

- U.S. District Court, Eastern District of Pennsylvania

Education

- University of Virginia School of Law, J.D., 2007, member, *Virginia Journal of Law and Social Policy*
- University of Virginia, B.A., 2001, English

Ashley L. Taylor, Jr.

Partner
Richmond

ashley.taylor@troutman.com
804.697.1286; 202.274.2944



Areas of Focus:

- Coronavirus (COVID-19) Task Force
- State Attorneys General
- Enforcement Actions and Investigations
- Consumer Financial Services

Overview

Ashley Taylor is a partner in the Consumer Financial Services practice with a primary focus on federal and state government regulatory and enforcement matters involving state Attorneys General, the Consumer Financial Protection Bureau (CFPB) and the Federal Trade Commission (FTC). He serves as a member of the firm's Policy Committee and Partner Compensation Committee.

Ashley focuses his practice on consumer protection issues and defends companies against a variety of enforcement actions brought by the state and federal regulators, and on claims including marketing and advertising representations, statutory disclosures, unfair or deceptive acts or practices, and data security breach response. He also defends clients on a number of issues related to the alphabet soup of federal and state laws, including the Fair Debt Collection Practices Act and the Fair Credit Reporting Act and the state analogs.

Additionally, Ashley defends clients in litigation matters that often arise from an enforcement action. He works closely with the financial services litigation team to support the client during the entire lifecycle of a matter should it enter into litigation. He also works with clients regularly to provide routine compliance advice. Drawing upon his experience as a Deputy Attorney General, Ashley has developed an extensive consumer practice with regard to the consumer financial services industry, including advising debt buyers, debt collectors, payment processors, credit reporting agencies, and auto finance companies on regulatory and compliance issues. His deep involvement with Attorneys General organizations including the National Association of Attorneys General (NAAG) allows him to stay on the forefront of emerging issues which affect businesses across the United States daily.

Ashley also founded and currently co-chairs, together with the Oregon Attorney General, the American Bar Association committee on state Attorneys General matters. He previously served as a Commissioner on the United States Commission on Civil Rights, appointed by President Bush from 2004-2010.

Ashley serves as Editor-in-Chief for the Consumer Financial Services Law Monitor and provides ongoing analysis and commentary on developments in the consumer financial services industry, with a focus on regulatory developments.

Firm Management Responsibilities

- Member, Policy Committee
- Member, Partner Compensation Committee

Representative Matters

Multi-State State Attorneys General Investigations

- Representation of data broker regarding 44-state investigation into data breach.
- Representation of a leading pharmacy benefit manager in a 33-state investigation involving “undisclosed” rebates.
- Representation of national trade association in connection with NAAG "model" legislation.
- Representation of national pharmaceutical company in multi-state investigation involving off-label marketing.

Litigation

- Counsel to Saving Sweet Briar, Inc./Sweet Briar Institute in school closure dispute (*Commonwealth of Virginia, ex rel Ellen Bowyer v. Sweet Briar Institute, et al.*, Case No. CL15 15009373, Amherst County Circuit Court, 2015).
- Counsel to manufacturer challenging Tax and Trade Bureau regulation.
- Counsel to distributor in RICO action (*R.J. Reynolds Tobacco Company v. Market Basket Food Stores, Inc.*, Civil Action No. 05-253).
- Counsel to national ministry in defense of action alleging various Constitutional challenges (*Americans United for Separation of Church and State, et al., Appellees v. Prison Fellowship Ministries, Inc., et al.*, 509 F.3d 406 (8th Cir. 2007); 2007 U.S. App. LEXIS 27928).
- Counsel to real estate developer in land acquisition dispute (*Ventures Development, LLC and Lakeside Commons, LLC v. B.D. Ashe*, Case No. 025CL06000137-00).

Related Practices and Industries

- State Attorneys General
- Enforcement Actions and Investigations
- Consumer Financial Services
- Better Business Bureau (BBB)
- Consumer Financial Protection Bureau (CFPB)
- Consumer Products
- Education
- Fair Credit Reporting Act (FCRA)
- Federal Trade Commission (FTC)

- Payments and Financial Technology
- Government and Regulatory
- Government and Regulatory Litigation
- Student Lending
- Tobacco
- Coronavirus (COVID-19) Task Force
- 24/7 Incident Response

Speaking Engagements

- Panelist, "Consumer Debtor Protections & Rights for Low-Income Americans During the COVID-19 Pandemic," American Bar Association Webinar, April 14, 2020.
- Speaker, "Quick Answers to Critical COVID-19 Compliance Questions for Financial Services Companies", Troutman Sanders Webinar, March 31, 2020.
- Speaker, "TCPA Update," Credit and Collection News Annual Conference, Lake Tahoe, CA, April 11-12, 2018.
- Speaker, "Abusive Car Loan and Sale Practices: Scope and Potential Remedies to Strengthen Consumer Protections," American Bar Association Webinar, March 22, 2018.
- Speaker, "An Inside View: Working with Your Attorney General," American Bar Association Webinar, February 13, 2018.
- Speaker, "Enforcement Agencies Confront Class Actions," American Bar Association Webinar, December 5, 2017.
- Speaker, "Defending Consumer Protection Actions on Multiple Fronts: Coordinating Joint CFPB and State AG Investigations and Settlements," American Bar Association Webinar, November 27, 2017.
- Speaker, "The New Look of Financial Regulation," Virginia Bar Association Administrative Law Conference, Richmond, VA, November 9, 2017.
- Speaker, "Working with Your Attorney General," Credit and Collection News Annual Creditor Grantor Summit, Washington, DC, August 14-16, 2017.
- Presenter, "The CHOICE Act Passed the House: Now What? An Update on Financial Industry Regulation Under the Trump Administration," Troutman Sanders Consumer Financial Services Webinar Series, June 29, 2017.
- Panelist, "Legal and Regulatory Update," Third Party Payment Processors Association Annual Conference, Washington, DC, May 19, 2017.
- Moderator, "Squaring the Circle: Finding Creative Solutions to Regulatory Challenges," Consero Financial Services and Insurance Litigation Forum, Coral Gables, FL, April 3, 2017.
- Panelist, "The Future of the CFPB: New Agency Structure, New Enforcement Tactics and Joint Enforcement Efforts," National Association of Professional Background Screeners Mid-Year Legislative & Regulatory Conference," Washington, DC, March 20, 2017.
- Panelist, "How Will the Trump Administration Impact the Banking and Financial Services Industry?" Troutman Sanders Consumer Financial Services Webinar Series, December 14, 2016.

- Panelist, “Legal and Regulatory Update,” Third Party Payment Processors Association Executive Summit, Phoenix, AZ, November 10, 2016.
- Speaker, “Working with Your Attorney General,” Credit and Collections News Annual Credit Grantor Consortium, Washington, DC, August 16, 2016.
- Speaker, “State Regulatory & Enforcement Update,” Consumer Relations Annual Consortium, Washington, DC, August 5, 2016.
- Moderator, “Finding Creative Regulatory Solutions,” Consero Financial Services & Insurance Litigation Forum, Coral Gables, FL, April 19, 2016.
- Panelist, “Regulatory Enforcement – A View from the Inside,” National Association of Professional Background Screeners Mid-Year Legislative & Regulatory Conference, Washington, DC, April 5, 2016.
- Panelist, “Working with Your Attorney General,” Credit and Collection News Annual Conference, Amelia Island, FL, March 31, 2016.
- Moderator, “Adapting to Changing Regulatory, Legislative & Enforcement Activities and Breach Notification Requirements,” American Conference Institute 18th Advanced Global Legal & Compliance Forum on Cyber Security and Data Privacy & Protection, Washington, DC, January 28, 2016.
- Panelist, “State Attorneys General: Emerging Leaders in Consumer-Related Issues,” Corporate Counsel Institute, Atlanta, GA, December 11, 2015.
- Panelist, “Emerging Enforcement Trends and Related Privacy Issues,” Third Party Payment Processor Association (TPPPA) Member Executive Leadership Summit and Retreat, Phoenix, AZ, November 18, 2015.
- Moderator, “Emerging Regulatory, Legislative, and Enforcement Activities and Breach Notification Requirements,” American Conference Institute (ACI), 17th Installment, Cyber Security & Data Privacy and Protection, Houston, TX, October 5-6, 2015
- Conference Co-Chair & Panel Moderator, “Unique Regulatory and Enforcement Insights by State Attorneys General and Consumer Protection Agencies on Emerging Privacy Initiatives, Settlement and Enforcement Trends, Security Breach Notification Requirements, and More,” American Conference Institute (ACI), 15th Installment, Global Legal & Compliance Forum on Cyber Security & Data Privacy and Protection, Washington, DC, January 15-16, 2015.
- Speaker, “The Latest Collection Hot Topics,” Credit and Collection News, 9th Annual Credit Grantor Consortium, Washington, DC, August 19, 2014.
- Moderator, “Keeping Up With the Regulators,” Consero Financial Services & Insurance Litigation Forum, Miami, FL, May 19, 2014.
- Moderator, “CFPB Update,” Credit and Collection News, 9th Annual Credit Grantor Consortium, Washington, DC, August 20, 2014.
- Speaker, “The Class Action Fairness Act and State Attorney General Enforcement Actions: Does the Supreme Court’s Ruling Open a New Door for the States?” American Bar Association, Annual Meeting, Boston, MA, August 9, 2014.
- Moderator, “Deputy State Attorneys General Update,” 9th Annual Credit and Collection News Conference, Naples, FL, April 2, 2014.
- Moderator, “Privacy in the Digital Age: Is There Even a Barn Door Left to Close?” ABA Midyear Meeting, Chicago, IL, February 6, 2014.

- Presenter, “CFPB, FTC, State Regulators and Compliance,” Credit and Collection News Seminar, New York City, NY, September 17-18, 2013; Los Angeles, CA, November 12-13, 2013; Atlanta, GA, February 18-19, 2014.
- Conference Co-chair and Moderator, “Unique Regulatory and Enforcement Insights by State Attorneys General and Consumer Protection Agencies on Emerging Privacy Initiatives, Settlement and Enforcement Trends, Security Breach Notification Requirements, and More,” ACI Privacy & Security of Consumer and Employee Information, Washington, DC, January 16-17.
- Speaker, “Chat with the AG’s on State Issues,” Credit and Collection News 8th Annual Credit Grantor Consortium, Washington, DC, August 13, 2013.
- Panelist, “CFPB & State Attorneys General Compliance,” American Bar Association Annual Meeting, San Francisco, CA, August 10, 2013.
- Presenter, “Promotions in Rhode Island & New York,” The Global Regulatory Year in Review, Tobacco Merchants Association’s 98th Annual Meeting & Conference, Williamsburg, VA, Thursday, May 16, 2013.
- “Working with your State Attorney General,” 8th Annual Credit and Collection News Conference, Half Moon Bay, California, April 3, 2013.
- “State Attorneys General: Chief Deputy Attorneys General Panel,” 8th Annual Credit and Collection News Conference, Half Moon Bay, California, April 2, 2013.
- “State Attorneys General and Consumer Protection Agencies: Emerging State Privacy Initiatives, Settlement and Enforcement Trends and Security Breach Notification Requirements,” American Conference Institute’s 13th Annual Legal and Compliance Forum on Privacy and Security of Consumer and Employee Information, Washington, DC, February 5, 2013.
- “Top 8 Rules for Dealing with State Insurance Regulators,” presented to in-house legal department of *Fortune 500* company, Richmond, Virginia, January 29, 2013.
- “New Voter Registration Laws: Fighting Voter Fraud or Suppressing the Vote?” ABA Section of State and Local Government, Criminal Justice Section, and the Center for Professional Development, Webinar and Teleconference, November 5, 2012.
- “Working with your Attorneys General,” Credit and Collection News 7th Annual Credit Grantor Consortium, Washington, DC, August 8, 2012.
- “New Voter Registration Laws: Fighting Voter Fraud or Suppressing the Vote?” ABA State & Local Government Law Section, Annual Meeting, Showcase Panel Presentation, Chicago, IL, August 5, 2012.
- “Attorneys General and Consumer Protection Agencies Speak Out on Emerging State Privacy Initiatives, Settlement and Enforcement Trends and Security Breach Notice Requirements,” American Conference Institute’s 12th National Legal and Compliance Forum on Privacy and Security of Consumer and Employee Information, San Francisco, CA, July 30, 2012.
- “The Ten Most Significant Attorney General Investigations/Settlements Involving Technology,” The University of Dayton School of Law’s Twentieth Annual Seminar on Significant Developments in Computer and Cyberspace Law, Dayton, OH, June 11, 2010.
- “Emerging State Enforcement Activities and Investigations and the Growing Authority of the State Attorneys General,” American Conference Institute’s National Advanced Forum on Litigation and Enforcement Preparedness for Data Privacy & Information Security, Dallas, TX, June 2010.
- “Federalism - The Ever Evolving Relationship Between the Federal and State Governments,” American Bar Association State and Local Government Annual Meeting, San Francisco, CA, August 2010.

- "Working With AGs to Maneuver Your Way Through the Investigation Process," American Conference Institute's 9th Annual Conference on Consumer Finance Class Actions & Litigation, January 2010.
- "State Attorneys General: Responding to Multi-State Regulatory Compliance Investigations," American Bar Association Panel Seminar, July 2009.
- "From Cradle to Grave: Regulatory Investigations Which Beget Complex Business Litigation," Washington Metropolitan (WMACCA) Chapter of Association of Corporate Counsel, May 2009.
- "Multi-State Investigations and Suits: How to Address the Expanding Authority and Ambition of State Attorneys General," Washington Legal Foundation's Web Seminar Series, March 2009.
- "State Attorneys Investigation," *American Legislative Exchange Council*, November 2008.

Consumer Financial Protection Bureau

- Speaker, "Understanding the CFPB and State Attorneys General Regulatory Issues Relating to Debt Collection," Credit and Collection News Webinar, March 7, 2013.
- "The Consumer Financial Protection Bureau and State Attorneys General Compliance," Credit and Collection News Webinar, November 13, 2012.
- "The Consumer Financial Protection Bureau (CFPB): The New World Order – Enforcement by State Attorneys General and the Consumer Financial Protection Bureau," American Conference Institute, September 20, 2011.
- "State Attorneys General: Responding Successfully to Regulatory Compliance Matters and Investigations," Credit and Collection News Conference – Collection Agency Consortium, August 18, 2011.

Publications

- Co-author, "[The Coming Tsunami: Anticipated Regulatory and Enforcement Trends in the Wake of COVID-19 and the Unique Role of State Attorneys General](#)," *Business Law Today*, June 10, 2020.
- Co-author, "[Mortgage Industry Should Prepare For Forbearance Scrutiny](#)," *Law360*, June 9, 2020.
- Co-author, "[INSIGHT: State Attorneys General Can Deputize Attorneys to Fight Covid-19 Fraud](#)," *Bloomberg Law*, May 21, 2020.
- Co-author, "[Privacy Guidelines For COVID-19 Contact-Tracing App Makers](#)," *Law360*, April 17, 2020.
- Co-author, "[Public Meeting Requirements In The Age Of COVID-19](#)," *Law360*, April 14, 2020.
- Co-author, "[2019 Consumer Financial Services Year in Review & A Look Ahead](#)," *Troutman Sanders*, February 24, 2020.
- Co-author, "[Expanding Authority: How the Virginia Attorney General Has Used the Virginia Consumer Protection Act to Augment Its Reach](#)," *VBA Journal*, Fall 2018.
- Author, "[How Regulatory Power Is Moving To The States](#)," *Law360*, March 20, 2018.
- Co-author, "[Dish Network Decision Underscores Importance of Compliance with Regulatory Settlements and Associated Litigation Risks](#)," *National Association of Professional Background Screeners Journal*, January/February 2018.
- Co-author, "[Federal Deregulation Opens the Door for State-Level Threats to Auto Finance](#)," *Business Law Today*, January 16, 2018.

- Co-author, "[Annual Report: 2017 Consumer Financial Services Year in Review and a Look Ahead](#)," January 10, 2018.
- Co-author, "[When Gov't Enforcement Actions And Class Actions Collide](#)," *Law360*, December 7, 2017.
- Co-author, "[DOJ Brief Opposing CFPB Brings More Uncertainty](#)," *Law360*, March 19, 2017.
- "[Expect Greater FTC Scrutiny In Wake Of Schrems](#)," Co-Author, *Law360*, October 27, 2015
- "[Walking a Tightrope: State Attorney General Enforcement Authority and Private Counsel Contingency Fee Arrangements](#)," American Bar Association State and Local Government Law News, Vol. 36, No. 3, Spring 2013.
- "[The Removability of Consumer Protection Lawsuits Filed by State Attorneys General](#)," American Bar Association State & Local Law News, Vol. 35, No. 3, Spring 2012.
- "[State Attorneys General: The Robust Use of Previously Ignored States Powers](#)," Co-Author, *The Urban Lawyer*, *The National Journal on State and Local Government Law*, Summer 2008.
- "[ChoicePoint Official: Experienced Counsel Key for Multi-State AG Probes](#)," *The Bureau of National Affairs, Inc.*, July 2007.
- "[Cases Involving Government Agencies Present Unique Discovery Issues](#)," Co-Author, *Atlantic Coast In-House Counsel*, July 2005.
- "[Effectively Responding When the State Attorneys General Are Arrayed Against Your Company](#)," *Atlantic Coast In-House*, March 2004.

Consumer Financial Protection Bureau

- "[The Consumer Financial Protection Bureau and the State Attorneys General: A Force Multiplier in Consumer Protection Matters](#)," *Bloomberg Law Reports*, May 25, 2011.

Media Commentary

- Interviewed, "[Regulatory Takings and Executive Power to Seize Property](#)," Troutman Sanders and Pepper Hamilton COVID-19 Litigation Podcast Series, COVID-19 Resource Center, April 25, 2020.
- Quoted, "[States Prepare to Step in If CFPB Enforcement Slows in 2018](#)," *Bloomberg BNA*, December 13, 2017.
- Quoted, "[\\$280M Dish TCPA Penalty May Make Settling More Attractive](#)," *Law360*, June 8, 2017.
- Quoted, "[Foxfield lawsuit: Plaintiffs say there's no finish line in sight](#)," *c-ville*, January 25, 2017.
- Quoted, "[States Flexing Enforcement Muscle on Prospect of CFPB Pullback](#)," *Bloomberg BNA*, September 6, 2017.
- Quoted, "[Would weakening regulators' edge in court backfire on banks?](#)" *American Banker*, February 21, 2017.
- Quoted, "[CFPB clearing decks with slew of lawsuits as Cordray battle looms](#)," *American Banker*, January 23, 2017.
- Quoted, "[CFPB clearing decks with slew of lawsuits as Cordray battle looms](#)," *American Banker*, January 23, 2017.
- "[Expect Greater FTC Scrutiny In Wake Of Schrems](#)," Co-Author, *Law360*, October 27, 2015

- Quoted, “US states likely to coordinate reviews of Time Warner Cable/Comcast with DOJ, attorneys say,” Policy and Regulatory Report, March 24, 2014.
- "Troutman Sanders' Ashley Taylor on the Rise of the State Attorneys General," *Corporate Crime Reporter*, July 2009.

Professional and Community Involvement

- Founding Chair, State Attorneys General and Department of Justice Issues Committee, Section of State and Local Government Law, American Bar Association, 2013-present
- Former and Current Board Member, St. Christopher’s School, 2009-2015, 2018-2021
- Member, Virginia Bar Association’s Committee on Federal Judgeships, Eastern District
- Member, Commission on Virginia Courts in the 21st Century, appointed by Chief Justice Hassell
- Former Member, Executive Counsel, American Bar Association, Young Lawyers Division
- Former Member, Executive Committee, Virginia Bar Association, Young Lawyers Division
- Former Director, Virginia Military Institute Athletic Association (The Keydet Club)

Rankings and Recognitions

- *Best Lawyers in America*®: Corporate Law and Commercial Litigation (2013-2020)
- *Chambers USA*: Government: Government Regulations, USA Nationwide (2015-2020)
- *Savoy Magazine*: "Most Influential Black Lawyers" (2018)
- *Law and Politics*: "Super Lawyer" in Civil Litigation Defense and Consumer Law (2006-2012)
- *Virginia Business Magazine*: "Legal Elite" in Legislative and Regulatory (2004, 2010)
- *Virginia Business Magazine*: "Legal Elite" in Civil Litigation (2005, 2007, 2009)
- *National Law Journal*: "50 Most Influential Minority Lawyers in America" (2008)
- *Style Weekly*: "Top 40 Under 40" (2007)
- Named by the American Bar Association State and Local Government Section as the "Up and Comer" of the Year (1999)

Professional Experience

- Commissioner, United States Commission on Civil Rights, Appointed by President George W. Bush (December 2004–2010)
- Deputy Virginia Attorney General (1998–2001)

Bar Admissions

- Virginia

Court Admissions

- Supreme Court of the United States

- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Court for the Eastern District of Virginia
- Supreme Court of Virginia

Clerkships

- United States District Court, 1993 - 1995

Education

- Washington and Lee University School of Law, J.D., 1993
- Virginia Military Institute, B.A., 1990

Ghillaine A. Reid

Partner
New York - East Side

ghillaine.reid@troutman.com
212.704.6198



Areas of Focus:

- Coronavirus (COVID-19) Task Force
- White Collar and Government Investigations
- Securities Litigation

Overview

Ghillaine is a Partner in the firm's Government Investigations, Compliance, and Enforcement practice. She focuses her practice on government and securities regulatory investigations, financial services litigation, commercial litigation and corporate compliance. Drawing on her experience in government service and private practice, Ghillaine regularly represents corporations and individuals in investigations conducted by the Securities & Exchange Commission, the Department of Justice, the Financial Industry Regulatory Authority and other government and regulatory agencies. Ghillaine has successfully defended several high profile SEC investigations and enforcement proceedings involving a wide range of significant issues, including insider trading, accounting fraud, market manipulation and broker-dealer sales practice violations. Prior to entering private practice, Ghillaine was a Branch Chief and Staff Attorney in the New York Regional Office of the Securities & Exchange Commission's Division of Enforcement, where she investigated and litigated a wide range of securities enforcement matters.

Ghillaine also represents clients in complex financial services and commercial litigation matters, in both federal and state courts. She has achieved favorable outcomes in cases involving fraud, breach of contract, breach of fiduciary duty, misrepresentation and tortious interference. She has also successfully defended clients in large scale arbitration proceedings, both through the Financial Industry Regulatory Authority and the American Arbitration Association.

Representative Matters

- Represented a relief defendant in an SEC enforcement action filed in the United States District Court for the Southern District of New York alleging that the defendant traded stock based on material, non-public information regarding ImClone Systems, Inc.
- Represented a New York City direct access brokerage firm in a FINRA enforcement investigation regarding the company's accounting and disclosure of travel and entertainment expenditures. After a lengthy investigation, we made a written Wells submission to FINRA which was followed by several oral presentations outlining our defensive position.
- Represented the Chief Compliance Officer and Chief Financial Officer of a New York City brokerage firm and its related investment advisory firm in connection with an investigation conducted by the New York Office of the SEC regarding the firm's sales practices.
- Represented a branch manager and compliance officer of a major St. Louis, Missouri brokerage firm in a FINRA investigation involving allegations of misappropriation of client funds. No enforcement proceedings were instituted against the branch manager or the compliance officer. We later assisted the firm in reconstituting its compliance procedures concerning the disbursement of funds from client accounts.
- Defended a prominent investor in an insider trading investigation conducted by the Philadelphia Office of the SEC.
- Represented a trader and compliance officer for the brokerage arm of a major bank in an investigation by the Atlanta Office of the SEC concerning compliance procedures with respect to fixed income trading.
- Represented several fiduciaries in a wide range of securities-related litigation matters, including a Securities Investor Protection Act trustee in connection with the liquidation of a defunct New York City brokerage and investment advisory firm that was sued by the SEC for defrauding the firm's investors.
- Represented the Belgian affiliate of a major accounting firm, and certain of its audit partners, in a federal securities fraud action filed by a hedge fund which alleged that the accounting firm and the auditors were responsible for losses suffered by the fund following the precipitous drop in the share price of a stock that the fund owned.
- Represented the FDIC in its capacity as the Receiver for a failed bank and succeeded on a motion to dismiss shareholder derivative claims instituted by the bank's investors for lack of standing, among other grounds.
- Defended a New Jersey-based broker-dealer and its CEO in a lawsuit filed by its clearing firm to recoup losses that it allegedly incurred from certain trades in foreign securities executed by the brokerage firm. Succeeded on a hybrid motion to dismiss, or in the alternative, for summary judgment and all claims against my clients were dismissed.
- Defended a senior employee of a major pharmaceutical company in a state court action alleging, among other things, claims of fraud and misrepresentation in connection with his alleged offer and sale of certain investment funds. Served as lead counsel, and developed and executed the litigation defense

strategy throughout the lengthy discovery, motion practice, and trial (served as first chair). The action was resolved through a complete defense verdict.

- Represented the Special Committee of the Board of Directors of a privately-held New York company that was poised for an initial public offering. Led an internal investigation concerning the propriety of, and accounting for, certain shipping transactions which came under scrutiny by the Board during the company's preparation for the offering.
- Represented the Audit Committee of a publicly traded bank in connection with the propriety of certain expenses incurred by the Bank's CEO which were submitted to the bank for payment, as well as other business activities of the CEO.
- Represented the Independent Monitor for a financial services firm, in connection with the firm's compliance with the terms of the Global Research Analyst Settlement which resolved SEC actions against several major investment banks.

Related Practices and Industries

- Coronavirus (COVID-19) Task Force
- White Collar and Government Investigations
- Securities Litigation

Speaking Engagements

- Speaker, "Current Issues in Investment Management Enforcement and Compliance," Investment Company Institute 2020 Annual Mutual Funds and Investment Company Management Conference, March 25, 2020.
- Speaker, "Best Practices for Conducting Internal Investigations and Safeguarding Privilege," Securities Industry & Financial Markets Association Legal & Compliance 2020 Annual Conference, March 17, 2020.
- Speaker, "Success as a Securities Lawyer," PLI's Securities Law and Practice 2019: How the SEC Works, October 17, 2019.
- Moderator, "Broker/Dealer Regulation and Enforcement 2019," Broker/Dealer Regulation and Enforcement 2019, Practising Law Institute, October 10, 2019.
- Moderator, "Private Fund Adviser Regulation and Enforcement," 2019 Private Funds Forum, Troutman Sanders, September 26, 2019.
- Panelist, "The Changing Regulatory Landscape in the Financial Services Industry," The National Bar Association Annual Convention, July 25, 2019.
- Moderator, "Broker/Dealer Compliance Officer Roundtable," Broker/Dealer Regulation and Enforcement 2018, Practising Law Institute (PLI), October 16, 2018.
- Faculty, "Securities Law and Practice 2018: How the SEC Works," Practising Law Institute, Practising Law Institute, New York, NY, New York, NY, New York, NY, October 15, 2018.
- Moderator, "Broker/Dealer Compliance Officer Roundtable," PLI Broker/Dealer Regulation and Enforcement 2017, New York, NY, October 17, 2017.
- Panelist, "Hot Topics in Securities Enforcement," SIFMA Compliance & Legal Society Charlotte Regional Seminar, September 2017.

- Panelist, "Everyday Legal Ethical Issues," Compliance and Legal Society Annual Seminar, March 20, 2017.
- Speaker, "Ethical Issues for Legal and Compliance Officers – Trends, Developments & Strategies," SIFMA Compliance and Legal Society New York Regional Seminar, November 2, 2016.
- Speaker, "The Known Unknowns: An Update from the Office of Compliance Inspections and Examinations," Investment Company Institute 2016 Mutual Funds and Investment Management Conference, Orlando, Florida, March 13-16, 2016 Speaker, "Are you Ready? Practical strategies when assessing how best to respond to government investigations," Federation of Defense and Corporate Counsel Symposium, New Orleans, Louisiana, September 29, 2015.
- Speaker, "Managing Costs of Government Investigations," American Conference Institute, New York, New York, October 24, 2013.
- Speaker, "Broker/Dealer Regulation and Enforcement 2013," Practising Law Institute, New York, New York, October 23, 2013.
- Panelist, "Government Investigations: Navigating Your Pathway to a Reasonable Resolution," National Bar Association, New York, New York, June 14, 2013.
- Speaker, "The Evolving Role of the SEC: How to Anticipate, Read and Respond to the Current Regulatory Environment," American Bar Association, Litigation Section, Chicago, Illinois, April 26, 2013.
- Speaker, "Handling a Securities Case 2013: From Investigation to Trial and Everything in Between, The Investigation," Practising Law Institute, New York, New York, April 25, 2013.
- Speaker, "Hon. Theodore T. Jones, Jr. Trial Workshop," Metropolitan Black Bar Association, New York, New York, April 13, 2013.
- Speaker, "The Investigation: Coordinating Requests From Government Regulators," Practising Law Institute, New York, New York, April 26, 2012.
- Panelist, "The Intangible Elements of Litigation," The Metropolitan Black Bar Association, New York, New York, March 8, 2012.
- Panelist, "Minority Women Litigators: Experiences in the Courtroom and Beyond," New York City Bar Association, New York, New York, October 25, 2011.
- Speaker, "Government Initiatives and Perspectives/How to Deal Effectively With the Government," Practising Law Institute, New York, New York, September 20, 2011.

Publications

- Co-author, "[The Foundation Of A Regulation Best Interest Compliance Program](#)," *Financial Advisor*, November 5, 2019.
- Co-author, "[Firms Should Stay Course Amid New Broker Standard Suits](#)," *Law360*, September 25, 2019.
- Co-author, "[Patchwork Of Broker Conduct Regs Complicates Compliance](#)," *Law360*, July 12, 2019.
- Author, Proposed Rules Aimed at High-Risk Brokers Confirm FINRA Push for Firms to "Do Their Part", Subject to Inquiry, June 26, 2017.
- Author, U.S. Supreme Court Rules Time Limits Apply to SEC Disgorgement Orders, Subject to Inquiry, June 6, 2017.

- Author, "An Uncertain Future for 'Neither Admit nor Deny' Settlements", American Bar Association, Section of Litigation, May 10, 2012.

Rankings and Recognitions

- Honored as Litigation Trailblazer, *The National Law Journal*, 2018
- Honoree, 25 Influential Black Women in Business, *The Network Journal*, 2018
- Profiled in "Attorneys at the Top," *The Network Journal*, February 2013
- Honored by Best Buddies® New York, Women With a Mission Celebration, 2012

Bar Admissions

- New Jersey
- New York

Court Admissions

- U.S. District Court for the Eastern District of New York
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Southern District of New York

Education

- Boston University School of Law, J.D., Case and Note Editor, *Probate Law Journal*, 1995
- Boston University, B.A., *cum laude*, Dean's List, 1992

Michael A. Schwartz

Partner
Philadelphia

michael.schwartz@troutman.com
215.981.4494



Mike Schwartz represents businesses and individuals facing investigations and litigation by federal and state law enforcement authorities, government regulatory agencies, and congressional committees. Mike also represents businesses and individuals who have been victims of crimes.

Areas of Focus:

- Coronavirus (COVID-19) Task Force
- White Collar and Government Investigations
- Foreign Corrupt Practices Act (FCPA)
- False Claims Act and other Whistleblower Actions

Overview

Mike focuses his practice in the areas of criminal defense and counseling, defense of False Claims Act and Foreign Corrupt Practices Act matters, internal corporate investigations, corporate compliance programs, corporate monitorships, and First Amendment matters. Mike has significant experience in the pharmaceutical and medical device, health care, construction, and government contracting industries.

Previously Mike headed the Corruption, Civil Rights, Labor and Tax Fraud unit of the U.S. Attorney's Office for the Eastern District of Pennsylvania. He successfully prosecuted some of the region's highest-profile corruption cases, including the electronic surveillance investigation during former Philadelphia Mayor John F. Street's administration, and the corruption prosecutions of former City Treasurer Corey Kemp and former City Councilman Richard Mariano.

Representative Matters

- Conducts internal investigations for and defends major pharmaceutical and medical device companies regarding sales and marketing practices, the conduct of clinical trials, good manufacturing practices, pricing, the False Claims Act, the Anti-Kickback Statute, the Food, Drug, and Cosmetic Act, the Foreign Corrupt Practices Act, and other issues.

- Conducted internal investigations for and defended major defense, construction, and other government contractors regarding pricing, False Claims Act, FCPA, conflict of interest, and other allegations of improper conduct.
- Represented a subpoenaed reporter in the investigation and prosecution of former Pennsylvania attorney general Kathleen Kane for leaking grand jury information.
- Represented financial institutions regarding allegations of consumer and other fraud.
- Represented companies in criminal antitrust investigations involving allegations of price-fixing and government procurement fraud.
- Represented companies and individuals under investigation for alleged corruption (both foreign and domestic), mail/wire fraud, honest services fraud, disadvantaged business enterprise (DBE) fraud, insurance fraud, immigration fraud, and criminal tax fraud.
- Represented publically traded companies and law firms in response to federal and state grand jury investigations.
- Represented hospitals and doctors in billing and drug diversion investigations.
- Represented colleges and universities and public schools in state/federal investigations and compliance issues involving grants, non-profits, charter schools, student/faculty/vendor conduct, and Clery Act (crime reporting).
- Conducted internal investigations for companies regarding alleged fraudulent billings/embezzlements.
- Conducted internal investigations for companies regarding compliance with election, lobbying, and pay to play laws.
- Represented an insurance company in state Attorney General consumer fraud investigation.
- Represented individuals seeking amnesty through voluntary disclosures to the IRS of previously unreported foreign bank accounts and income.
- Represented both victims of, and those charged with, computer intrusion.
- Represented companies and individuals who were victims of crimes, including victims of Ponzi schemes, embezzlements, and other frauds.
- Represented newspaper and website owner, editors, reporter, and cartoonist in defamation and false light invasion of privacy suit by Pennsylvania Supreme Court Justice and his wife. In the midst of discovery, the plaintiffs voluntarily discontinued the action without the payment of money by the defendants, and the Supreme Court Justice resigned his position on the Court.
- Represented media companies in successful efforts to access documents relating to public corruption investigations.
- Represented reporters subpoenaed to testify about their newsgathering.
- Represented media companies and reporters at trials of defamation and invasion of privacy claims brought by public officials/figures and private individuals.

Related Practices and Industries

- Fraud and Abuse Litigation and Investigations
- State Attorneys General
- Automotive

- Antitrust
- Canada
- First Amendment and Newsroom
- Higher Education
- Securities Litigation
- Coronavirus (COVID-19) Task Force

Professional and Community Involvement

- Commissioner, Pennsylvania State Ethics Commission
- Member, board of directors, Defender Association of Philadelphia
- Served as a member of the board of directors and executive committee of the Committee of Seventy of Philadelphia; this non-partisan organization has conducted a permanent campaign for more than 100 years to improve the Philadelphia region by demanding ethical conduct of public officials, promoting government efficiency, educating citizens, and safeguarding elections.
- Served as a commissioner on the Pennsylvania Commission on Crime and Delinquency, appointed by former Governor Ed Rendell and reappointed by former Governor Tom Corbett
- Served as chair of the Mayor's Task Force on Ethics and Campaign Finance Reform, appointed by former Mayor Michael Nutter
- Served as a member of the board of directors, Citizens Diplomacy International - Philadelphia
- Served as trustee appointed by The School District of Philadelphia, PFT Health and Welfare Fund
- Served as chair of an assessment team that evaluated the status of Philadelphia Safe and Sound, a nonprofit organization responsible for contracting protective services for children
- Adjunct instructor on trial advocacy and corruption law and policy, Temple University Beasley School of Law
- Guest lecturer on corruption law and policy, Drexel University School of Law
- Guest lecturer on corruption law and policy, University of Pennsylvania Law School

Rankings and Recognitions

- Listed in *The Best Lawyers in America*.
- Highly ranked in *Chambers USA: America's Leading Lawyers for Business*.
- Recommended for white collar criminal defense in the *The Legal 500 United States* (2017-2019).
- Selected for inclusion on the *Pennsylvania Super Lawyers* lists (2009-2020)

Professional Experience

- Assistant United States Attorney, U.S. Attorney's Office for the Eastern District of Pennsylvania (Philadelphia, PA), 2000-08 (Chief of Corruption, Civil Rights, Labor and Tax Fraud Unit, 2002-08)
- Assistant United States Attorney, U.S. Attorney's Office for the Eastern District of Pennsylvania (Philadelphia, PA), 1994-99

Bar Admissions

- Pennsylvania

Court Admissions

- United States Supreme Court

Clerkships

- Hon. Edmund V. Ludwig, U.S. District Court for the Eastern District of Pennsylvania, 1990 - 1991

Education

- Yale Law School, J.D., 1990, executive editor, *Yale Law and Policy Review*
- Pennsylvania State University, B.A., 1987, Economics

Kristin H. Jones

Partner
Philadelphia

kristin.jones@troutman.com
215.981.4897



Kristin Jones represents clients in high stakes, sensitive matters. She is able to pinpoint and address complex issues in civil and white collar criminal matters, investigations, and insurance bad faith and fraud actions.

Areas of Focus:

- Coronavirus (COVID-19) Task Force
- White Collar and Government Investigations
- Fraud and Abuse Litigation and Investigations
- Business Litigation

Overview

Kristin represents clients in civil and white collar criminal matters arising out of allegations of fraud, false statements, and bad faith. Kristin advises businesses and individuals facing investigation by federal and state law enforcement authorities and government agencies. Her work frequently involves the intersection of criminal investigations and civil litigation. Kristin has significant courtroom experience, and has tried cases in state and federal courts and arbitrated matters in AAA and other forums.

Kristin is experienced in investigating claims of misconduct and abuse, in particular hotline and whistleblower complaints. She has investigated sensitive allegations of verbal, emotional and physical abuse, bullying, hazing, discrimination, harassment, and sexual misconduct for a wide variety of organizations, including colleges, universities, schools, and sports organizations. She is experienced in navigating SafeSport issues for U.S. Olympic Committee-recognized national governing bodies and their local affiliated organizations.

Representative Matters

Investigations

- Conducts complex investigations of a wide variety of sensitive matters for companies, organizations, and educational institutions.

- Investigated individual and high-profile institutional issues of sexual misconduct and Title IX compliance for colleges and universities.
- Investigated allegations of verbal and emotional abuse, hazing, and bullying for a sports national governing body.
- Investigated whistleblower complaints of fraud and misconduct within sales organizations of a wide variety of companies, including pharmaceutical and medical device manufacturers and automotive suppliers
- Investigated allegations of physician and staff misconduct, including billing irregularities, at behavioral health service providers and nursing homes.

Criminal and False Claims Act Matters and Related Counseling

- Routinely represents companies and individuals facing government investigations, criminal charges, and allegations of False Claims Act violations.
- Defended the owner of a manufacturing company at trial in a federal criminal case based on allegations of disadvantaged business enterprise fraud.
- Obtained a complete dismissal with prejudice of a False Claims Act case against a leading national general contractor that was premised on allegations of disadvantaged business enterprise fraud.
- Defended a government contractor in a False Claims Act case premised on allegations of self-dealing by project managers and provision of non-conforming product.
- Represented individuals in investigations and cases involving a variety of federal criminal charges, including tax fraud, insider trading, criminal Occupational Safety and Health Administration (OSHA) violations and bid rigging.
- Represented individuals and entities in federal and state grand jury investigations, including responding to subpoenas for documents and testimony.
- Defends against allegations of criminal conduct and False Claims Act violations to counsel clients on compliance and fraud-prevention measures.
- Represents clients in disadvantaged business enterprise (DBE) compliance and enforcement issues, including counseling major national suppliers in the construction industry on avoiding pass-through situations.
- Defends companies and individuals accused of crimes and represents companies and individuals who are victims of crimes, including victims of Ponzi schemes, embezzlements, and other frauds, assisting with referrals to federal and state law enforcement.

Insurance Bad Faith and Fraud

- Represents leading national insurers in bad faith actions challenging their claims handling practices.
- Obtained summary judgment on plaintiffs' bad faith claims and secured complete victories for the insurers in numerous cases, including *Allstate Insurance Company v. Vargas*, *Crawford v. Allstate Insurance Company*, *Thomer v. Allstate Insurance Company*, and *Rau v. Allstate Insurance Company*.
- Counsels insurers on good faith claims handling practices and advises on complex coverage issues.
- Defends companies against government allegations of insurance fraud under unique state laws that mimic the False Claims Act.
- Defended an international medical device manufacturer accused of violating the California Insurance Fraud Prevention Act.

- Defended a provider of athletic training services accused of violating the New Jersey Insurance Fraud Prevention Act.

Related Practices and Industries

- Insurance and Reinsurance
- Higher Education
- First Amendment and Newsroom
- Bad Faith
- Coronavirus (COVID-19) Task Force

Professional and Community Involvement

- Steering Committee member, Young Lawyers' Division, White Collar Crime Section, Philadelphia Chapter, American Bar Association
- Executive Committee member, Criminal Law Committee, Philadelphia Chapter, Federal Bar Association
- Steering Committee member, Philadelphia Women's White Collar Defense Association

Rankings and Recognitions

- Named an Acritas Star (2018-2020)
- Selected for inclusion on the *Pennsylvania Super Lawyers* lists (2015-2020)

Bar Admissions

- Pennsylvania
- New Jersey

Court Admissions

- United States Supreme Court
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Middle District of Pennsylvania
- U.S. District Court, District of New Jersey
- U.S. District Court, Western District of Michigan

Education

- University of Wisconsin Law School, J.D., *magna cum laude*, 2000, note and comment editor, *Wisconsin Law Review*; member, Order of the Coif

- Cornell University, B.A., *magna cum laude*, 1997, Biology

Richard J. Zack

Partner
Philadelphia

richard.zack@troutman.com
215.981.4726



Rich Zack is a seasoned former federal prosecutor who represents financial institutions and range of other businesses and individuals facing investigation by federal and state law enforcement and regulatory authorities. He also represents business and individual victims of crime.

Areas of Focus:

- White Collar and Government Investigations

Overview

Rich has extensive experience in representing financial service firms before federal and state prosecutors and regulators, and firms facing investigations related to consumer finance and transactions involving foreign entities. He regularly provides advice regarding dealing with money transmission licensure and related issues and government sanctions against foreign countries and compliance with regulations of the Office of Foreign Asset Control, also known as OFAC, and the Financial Crimes Enforcement Network, or FinCEN.

Previously, Rich was chief of commercial and consumer fraud and deputy chief of economic crimes for the U.S. Attorney's Office for the Eastern District of Pennsylvania. There he supervised all consumer and commercial fraud cases, including mortgage, investment, securities and corporate fraud. Before that, Rich was deputy chief of the criminal division and an assistant U.S. attorney.

Rich has extensive experience in the investigation and prosecution of mortgage fraud and other financial crimes. Among other things, he served as the U.S. Attorney's Office's mortgage fraud coordinator and was the chairman of the office's Mortgage Fraud Task Force, which coordinated all mortgage fraud investigations in the Eastern District of Pennsylvania and included representatives of federal, state and local law enforcement agencies and federal and state regulators. He also was the co-chair of the office's Community Advisory Group, which included representatives of banks and other mortgage lenders, public officials and community groups representing victims of mortgage fraud.

Notable cases he handled as a prosecutor include *United States v. Corey Kemp* (City of Philadelphia public corruption prosecution involving the municipal bond industry); *United States v. Theodore H. LeBlanc* (prosecution of mayor of Norristown, and other public officials); and *United States v. Joseph L. Lewis Jr.* (prosecution of executive director of city AIDS commission).

Earlier in his career, Rich was a law clerk for the Hon. Max Rosenn: U.S. Court of Appeals for the Third Circuit, and the Hon. J. William Ditter, Jr.: U.S. District Court for the Eastern District of Pennsylvania, Philadelphia, PA.

Representative Matters

- Obtained a complete dismissal of a federal lawsuit filed by the Consumer Financial Protection Bureau (CFPB), alleging that a payment processor engaged in unfair practices and seeking more than \$20 million in penalties. Following oral argument and extensive briefing, Rich obtained dismissal of all claims on the grounds that the CFPB failed to allege a violation of law.
- Convinced the CFPB to voluntarily dismiss a complaint filed against his client, a consumer lender. The complaint alleged that the client had engaged in unfair and deceptive lending practices. The dismissal by the CFPB came after extensive briefing on a motion to dismiss, but before the federal court ruled on the motion.
- Convinced the government not to prosecute a nursing home owner subject to a federal investigation and whistleblower complaint alleging violations of the False Claims Act. Following the government's declination, the relator in the qui tam lawsuit elected not to pursue the matter.
- Represented a high-ranking member of the Catholic clergy in several lawsuits alleging that he failed to properly address sexual abuse by clergy in his diocese. Following briefing, obtained a complete dismissal of all of the lawsuits against his client.
- Representing consumer lenders in actions against state attorneys general and departments of banking involving claims of unfair lending practices.
- Representing a nonprofit and the members of its board of trustees before the New York Attorney General.
- Settled several matters with a state attorney general alleging that clients and several payment processors engaged in unfair practices. The attorney general sought hundreds of thousands of dollars in civil money penalties. Rich settled the matters for less than 10 percent of the attorney general's initial demand, with his clients denying all wrongdoing. Following assertion and settlement of indemnification claims, his clients had no out-of-pocket costs in the matter.
- Represented a bank in a Department of Justice investigation in which his client was named as a subject and was advised it would be charged in a civil complaint. Rich convinced prosecutors to reverse themselves and decline the matter, and then negotiated a favorable resolution with the bank's regulator.
- Represented several corporate entities following entry of summary judgment against the entities totaling approximately \$25 million. Rich convinced the trial court to immediately and indefinitely stay all collection activities against his client and negotiated a favorable settlement resolving all claims.
- Represented several payment processors before state departments of banking regarding claims that his clients were required to be licensed under state law as money transmitters. Rich convinced one regulator that his client was not required to be licensed despite the department initially concluding that licensure was appropriate. he convinced another state department of banking to reverse itself after concluding in a formal written opinion that licensure was required.
- Obtained a defense verdict for a financial services firm following a week-long trial in which the plaintiffs asserted breach of contract claims, and obtained a multimillion-dollar judgment for his client on counterclaims.

- Represented a government entity at trial on breach of contract claims related to a multimillion-dollar municipal water project. On post-trial motions, Mr. Zack convinced the trial court to enter a \$0 judgment against his client.
- Representing numerous payment processors, banks and other financial services firms in matters before the U.S. Department of Justice, state departments of banking and state attorneys general.
- Representing an institution of higher education in investigations by the Department of Justice and the Securities and Exchange Commission involving allegations of improper conduct by the institution's president and vice president.
- Representing wholesale distributors of pharmaceuticals before state boards of pharmacy alleging violation of licensing and distribution rules.
- Represented a company and a chief executive in an investigation by the Departments of Justice and Commerce of suspected transactions with Iran.
- Represented a company and an executive in an investigation involving allegations of illegal trade with businesses in China and Korea.
- Represented a U.S. bank and its board in an investigation by the Department of Justice involving issues of compliance with OFAC regulations.
- Trained executives and officers of several financial institutions, including a domestic bank, in OFAC and BSA and AML compliance.
- Represented foreign lenders before U.S. regulators and law enforcement involving allegations of violations of U.S. law.
- Conducted internal investigations for and defended financial services firms regarding the conduct of merchant banking business and other issues.
- Represented hospitals/doctors in drug diversion investigations.
- Represented colleges/universities in state/federal investigations and compliance issues.
- Conducted internal investigations for companies regarding alleged fraudulent billings and embezzlements.

Related Practices and Industries

- Consumer Financial Protection Bureau (CFPB)
- Consumer Financial Services
- State Attorneys General
- Financial Services Litigation
- False Claims Act and other Whistleblower Actions
- Enforcement Actions and Investigations
- Securities Litigation
- Litigation
- Financial Services

Speaking Engagements

- Co-presenter, Investment Management And Private Funds: What's Happening Now?, Pepper Hamilton Event, November 27, 2018.
- Co-presenter, Investment Management Roundtable: November 2018.
- Co-presenter, "What To Do When Your Reporter Is Arrested At The Scene," Media Law Resource Center Criminal Law Committee, June 12, 2018.
- Panelist, "What DOJ Investigators Look for in Corporate Compliance Programs," Third-Party Payment Processors Association Spring Conference, May 17-19, 2017.
- Presenter, "OFAC Enforcement Actions On The Rise: Effective Ways To Strengthen Your Compliance Programs," Knowledge Group Conference, February 9, 2016.

Publications

- Co-author, "The CFPB Under New Leadership: What To Expect In 2018," *Delaware Banker*, Winter 2018.
- Co-author, "D.C. Circuit Rebukes CFPB In Civil Investigative Demand Enforcement Decision," Client Alert, April 25, 2017.
- Co-author, "Update On The Short-Term Lending Industry: Government Investigations And Enforcement Actions," *The Business Lawyer*, Spring 2015.
- Co-author, "Fincen Proposes Fifth BSA Pillar," Client Alert, August 19, 2014.
- Co-author, "One Big Misunderstanding: FDIC Clarifies That Caution On Higher-Risk Activity Is Not A Prohibition On Third-Party Payment Processor Relationships," Client Alert, August 5, 2014.
- Co-author, "Will New U.S. Court Of Appeals Decision On 'Recess Appointments' Stay Dodd-Frank Powers Granted To CFPB And Vacate Certain Actions?" Financial Services Alert, March 4, 2013.
- Co-author, "Residential Mortgage Brokers And Originators: You Have Until Aug. 13 To Set Up Your AML Program," Financial Services Alert, July 17, 2012.
- Co-author, "Convergence: Government And Class Actions Target Payment Processing Relationships," Client Alert, April 10, 2012.
- Co-author, "FDIC Focuses On Payment Processing Programs At Community Banks: Is Your Compliance Sufficiently Robust?" Financial Services Alert, February 8, 2012.
- Author, "Proprietary Educational Institutions Should Look At Compensation And Recruiting Policies To Avoid Actions By Prosecutors And Private Plaintiffs," White Collar and Corporate Investigations Alert, November 8, 2011.
- Co-author, "Government Announces Multi-Agency Task Force To Investigate Alleged Payments Abuses By Banks And Payment Processors," Client Alert, November 3, 2011.
- Author, "Increased Government Scrutiny Of Third-Party Payment Processors Requires Enhanced Compliance," *The Banking Law Journal*, September 16, 2011.

Media Commentary

- Quoted, "No Prison for 'Crucial Witness' in NCAA Hoops Bribery Trials," *Law360*, September 16, 2019.

Rankings and Recognitions

- Recommended for white collar criminal defense in *The Legal 500 United States* (2018).
- Department of Homeland Security Award for Outstanding Performance (2011).
- Department of Justice Director's Award for Superior Performance as an Assistant United States Attorney (2007).
- Department of State Award for Outstanding Performance (2007).

Professional Experience

- 1999 - 2011 U.S. Attorney's Office for the Eastern District of Pennsylvania (Philadelphia, PA) (Assistant U.S. Attorney, 1999 - 2008; Deputy Chief, Criminal Division, 2008-09; Chief, Commercial and Consumer Fraud and Deputy Chief, Economic Crimes, 2009-11)

Bar Admissions

- Pennsylvania

Clerkships

- Hon. J. William Ditter, Jr., U.S. District Court for the Eastern District of Pennsylvania, 1995 - 1997
- Hon. Max Rosenn, U.S. Court of Appeals for the Third Circuit , 1997 - 1998

Education

- Temple University School of Law, J.D., *magna cum laude*, 1995, managing editor, *Temple Law Review*
- George Washington University, B.A., 1990, Political Science and Journalism

Brian M. Nichilo

Associate

Berwyn

brian.nichilo@troutman.com

610.640.7825



Brian M. Nichilo focuses his practice in the areas of white collar defense and internal corporate investigations.

Areas of Focus:

- White Collar and Government Investigations

Overview

Before joining the firm, from 2003 to 2012, Brian was a special agent with the Federal Bureau of Investigation (FBI). Brian was assigned to the Philadelphia office, where he mainly conducted investigations of public corruption involving state and local government officials, and assisted the U.S. Attorney's Office for the Eastern District of Pennsylvania in the prosecution of numerous fraud and corruption cases.

Brian is also a licensed Certified Public Accountant (inactive status). From 1999 to 2003, he worked as a financial statement auditor.

Representative Matters

- Served as counsel for the court-appointed Special Master of the Deepwater Horizon oil spill multidistrict litigation, investigating fraudulent claims filed with the court-supervised settlement program by individuals and businesses, and assisting with litigation to clawback payment of fraudulent claims.
- Conducted internal investigation for public company of project accounting practices and financial reporting.
- Conducted investigation for nonprofit entity regarding allegations by a Pennsylvania state agency of improper grant accounting.
- Conducted investigation for health care provider of alleged employee misconduct.
- Engaged in FCPA compliance program review for international company.

Bar Admissions

- Pennsylvania

- New Jersey

Clerkships

- Hon. Joel H. Slomsky, U.S. District Court for the Eastern District of Pennsylvania, 2012 - 2013

Education

- Temple University Beasley School of Law, J.D., *magna cum laude*, 2012, member, Order of the Coif; note/comment editor, *Temple Law Review*
- University of Illinois, B.S., *with honors*, 1999, Accounting

Thomas H. Cordova

Associate
Philadelphia

thomas.cordova@troutman.com
215.981.4675



Areas of Focus:

- White Collar and Government Investigations

Overview

Thomas focuses his practice on white collar criminal defense. His recent matters include conducting document review regarding complex medical issues and assisting in the preparation of clients to proffer to the Department of Justice; and conducting research regarding disclosure issues related to an internal investigation.

Representative Matters

- Defended an international investment banking executive in a multi-agency investigation.
- Advocated for Kansas voters effected by Kansas voting rights laws that conflict with the National Voting Rights Act, including drafting a preliminary injunction, motion to compel, motion of summary judgment and motion for sanctions, and participating in a two-week trial.
- Defended an international corporation in connection with investigations by the National Highway Traffic and Safety Administration, Congress, and the Department of Justice.
- Defended a joint venture against the civil asset forfeiture of a property worth hundreds of millions of dollars.
- Assisted a court-appointed Special Master with resolving issues in large settlement worth more than \$1 billion.
- Assisted in the internal investigation of a foreign corporation, which included issues related to the Foreign Corrupt Practices Act.

Professional and Community Involvement

- Member of the Inn of Court, Federal Bar Council
- Mighty Writers Tutoring Center Volunteer, Philadelphia, PA

Bar Admissions

- Pennsylvania
- New York

Education

- Fordham University School of Law, J.D., 2015, member, *Environmental Law Review*
- University of Illinois, B.A., 2007, English Literature