

**Attorney
Biography**

James M. Keneally



Practice Areas:

Litigation
- Class Actions
White Collar Crime and
Investigations

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James Keneally is a partner in the firm's New York office. He focuses his practice on the defense of clients in white-collar crime and investigation matters.

Mr. Keneally has defended individuals, corporations, partnerships, and professional associations before the Securities and Exchange Commission (SEC), National Association of Securities Dealers (NASD n/k/a FINRA), federal courts throughout the country, and in the state courts of New York.

Current and former employees of leading financial services, telecommunications, manufacturing, pharmaceutical, consumer goods and other companies have relied on Mr. Keneally for defense against charges of accounting and tax fraud, mail and wire fraud, securities fraud, money laundering, antitrust violations and other alleged criminal behavior.

Mr. Keneally has been integrally involved in the representation of numerous individuals who have been witnesses, subjects and targets in criminal investigations, and he has helped them avoid prosecution. He also has represented parties in commercial litigation matters that are related to or arise from criminal or regulatory proceedings.

Representative Experience:

Representing a major multinational corporation in connection with an investigation of a subsidiary's contracting practices.

Representing present and former employees of a major pharmaceutical company in an investigation of possible violations of the Food, Drug and Cosmetics Act and other statutes.

Represented a former officer of a major financial institution in the Enron multidistrict litigation pending before the Honorable Melinda Harmon in federal district court in Houston, Tex.

Representing individuals involved in the KPMG and Deutsche Bank tax shelter investigations in the Southern District of New York.

Representing an individual involved in the Bristol Myers-Squibb investigation in the District of New Jersey.

Defended at trial in state court and obtained an acquittal of a major accounting firm partner accused of assaulting a small child.

Defended Ana Marie Santi, who was accused of practicing medicine without

a license. Mrs. Santi was found guilty by the jury after a trial in state court, but was sentenced only to probation.

Won the acquittal of Carlton Stewart at a jury trial before the Honorable Denny Chin in the Southern District of New York. In a multi-defendant indictment, Mr. Stewart had been charged with conspiring to ship stolen cars from New York to western Africa.

United States v. Rastogi, et al.

Defended an individual at trial before the Honorable Richard Berman in the Southern District of New York. Defendant was accused, along with several other individuals, of being part of a wide-ranging conspiracy by which Allied Deals fraudulently obtained financing from financial institutions and then laundered the money through sham corporations.

Defended Jesse Bailey in a homicide trial before the Honorable Denise Cote in the Southern District of New York.

Assisted in the trial of Robert Ike George, an individual from Ghana charged with immigration fraud. Argued Mr. George's appeal before the Second Circuit and gained a reversal of his conviction; the Second Circuit later reversed its decision in an *en banc* opinion.

Represented and obtained a probationary sentence for an individual before the Honorable Loretta Preska in the Southern District of New York. Client had been charged along with his employer, an art dealer, of taking part in a complex, multimillion-dollar fraudulent art conspiracy that involved the sale of fake paintings of well-known artists to customers in the Far East.

Represented an individual before the Honorable John Martin in the Southern District of New York. The client had been charged with being part of a wide-ranging automobile theft and "chop shop" ring that was believed to have ties to organized crime figures. Obtained substantial downward departure from the defendant's guidelines sentence.

Represented individuals involved in the Schering-Plough investigation in the Eastern District of Pennsylvania.

Represented several employees of a major financial institution who were called to testify in the grand jury investigation that was conducted by the Enron Task Force in Houston, Tex.

Represented an individual who was a target of then-New York Attorney General Spitzer's investigation of the insurance brokerage industry.

Represented several employees of Computer Associates in connection with the investigation of that company by the Eastern District of New York and subsequent prosecution of its senior management.

Represented individuals employed by a major auto retailer being investigated by the Department of Justice's Antitrust Division for its pricing practices.

Represented in a "whistleblower case" an individual who worked for a

provider of financial advice to fashion models that was defrauding its clients. The individuals responsible for the fraud were prosecuted, and the victims were able to recoup at least part of their losses.

Represented numerous officers, directors and employees of major financial institutions and public companies in regulatory matters before the SEC and other agencies.

Memberships and Associations:

National Association of Criminal Defense Lawyers
New York Criminal Bar Association

Community Activities:

Stony Brook Alumni Association, president-elect

Professional Activities:

Federal Bar Foundation, director
Journal of Financial Fraud, Board of Editors

Publications:

"Bear Stearns Case Highlights Issue of Warrants for E-Mails, *New York Law Journal*, December 8, 2009.

"Implications of the Fraud Enforcement Recovery Act's Amendments to the False Claims Act," *Financial Fraud Law Report*, October 2009.

"*Kozeny*: Foreign Laws and the FCPA – Limits to Your Defenses," *New York Law Journal*, December 5, 2008.

"Revisions to the DOJ's Guidelines on Corporate Prosecutions: The Last Word?" *Andrews White Collar Crime Reporter*, October 2008.

"Draconian Consequences of the DPA," *New York Law Journal*, July 21, 2008.

"*United States v. Collins*: When the Lawyer is Charged," *New York Law Journal*, March 21, 2008.

Co-Author with Alan R. Kaufman, "Theft of Information and Securities Laws," *New York Law Journal*, January 24, 2008.

Client Advisories:

"FERA Enactment Brings Important Changes to the False Claims Act," June 16, 2009

"Senator Grassley Introduces S. 458, the "False Claims Act Clarification Act of 2009"," March 13, 2009

"Observations on Holder Confirmation Hearings," January 21, 2009

"DOJ to Issue Revisions to Principles of Federal Prosecution of Business Organizations," July 17, 2008

Speaking Engagements:

"Corporate Compliance," ALI-ABA webinar panel with Alan Kaufman and David Laufman, June 20, 2008, moderator.

"Images of Justice and The Sopranos," three-day symposium at Fordham University, The Sopranos: A Requiem, May 23, 2008, panelist.

Bar Admission:

New York, 1983

Courts:

U.S. Supreme Court

U.S. Court of Appeals – Second Circuit

U.S. District Court – Southern and Eastern Districts of New York

U.S. District Court – Southern District of Texas

Education:

University of Buffalo Law School, J.D., 1982

Buffalo Law Review, editor

Stony Brook University, B.A., 1979

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