

**Attorney
Biography**

Don D. Buchwald



Practice Areas:
White Collar Crime and
Investigations
Litigation
- Class Actions

Telephone: (212) 808-5147 Fax: (212) 808-7897
Email: dbuchwald@kelleydrye.com

Don Buchwald is a partner in the firm's New York office. He focuses his practice on white collar criminal investigations and litigation.

Mr. Buchwald has defended individuals, corporations, partnerships and professional associations before the Securities and Exchange Commission (SEC), National Association of Securities Dealers (NASD) and Federal Trade Commission (FTC); in federal court and grand jury proceedings throughout the country; and in the state courts of New York.

Attorneys, accountants, and officers and employees of leading financial services, telecommunications, manufacturing, pharmaceutical, consumer goods and other companies have relied on Mr. Buchwald for defense against a range of charges, including insider trading, securities and mail fraud, antitrust violations, tax evasion, bribery, customs fraud, immigration violations and money laundering.

Mr. Buchwald previously served as deputy chief of the Criminal Division at the U.S. Attorney's Office for the Southern District of New York.

Representative Experience:

Current/Recent Engagements

Representing officers and directors of AIG, Bank of America, JPMorgan Chase, Citibank, Computer Associates, Global Crossing, Merrill Lynch and Nortel in investigations involving allegations of accounting irregularities.

Representing foreign bank officials in connection with various tax shelter investigations.

U.S. v. ILA, et al., 05-Civ-3212 (ILG) (E.D.N.Y.)

Representing 18 vice presidents of the International Longshoreman's Association in a civil RICO action brought by the U.S. government.

Representing an "escort service" employee whose activities allegedly resulted in the resignation of former New York Governor Elliot Spitzer.

Previous Engagements

Carpenter v. United States, 484 U.S. 19

Defended R. Foster Winans, "Heard-on-the-Street" columnist for the *Wall Street Journal*. Represented Winans from trial through oral argument before the U.S. Supreme Court on insider trading charges for trading in advance of

publication of his market-moving columns.

United States v. Frank Pisana, 88 Cr. 846 (MBM) (S.D.N.Y.)

Defended the director of administrative services of the U.S. Court of Appeals for the Second Circuit on bribery charges involving alleged receipt of kickbacks from a moving company employed by the Court. Client was acquitted of all charges and continued in his position with the Court.

United States v. Quinones, et al., 00 Cr. 761 (JSR)

Tried a capital murder/conspiracy case in which client Diego Rodriguez was charged with participating in the abduction and murder of a police informant. District Judge Rakoff declared the federal death penalty statute to be unconstitutional, before being reversed by the Second Circuit.

United States v. Paul Weiner, 03 Cr. 916 (JSR) (S.D.N.Y.)

Defended a New York City businessman in his two-week Southern District of New York trial involving alleged money laundering and non-compliance with Currency Transaction Reporting requirements by principals of General Credit Corporation, a publicly held check factoring company. Eight of the nine charged counts against the client were dismissed, and the lone count of conviction resulted in the imposition of a sentence of six months probation.

United States v. James Duque, 02 Cr. 1290 (RMB) (S.D.N.Y.)

Defended an employee of a car dealership who was extradited from Aruba at his trial on drug importation conspiracy charges. Client was acquitted of all charges and returned to Aruba.

United States v. Corey James, 09 Cr. 535 (VM) (S.D.N.Y.)

Obtained dismissal of all charges against capital defendant charged with murder of a federal informant.

United States v. Robert Oosterwyk, 04 Cr. 667 (LDW) (E.D.N.Y.)

Represented a Cayman Islands-based banker initially charged with securities fraud and money laundering who was released on a \$4 million bond. A plea was negotiated resulting in a sentence of unsupervised probation.

Represented a former government scientist in connection with an FBI and postal service investigation into anthrax mailings.

Represented a project manager of an architectural firm in a federal investigation of alleged environmental crimes involving asbestos disposal.

Represented a bond broker in a Department of Justice (DOJ) investigation of the New Mexico State Treasurer's office.

Represented a provider of energy derivatives trading and brokerage services in parallel investigations being conducted by the Commodities Futures Trading Commission (CFTC), SEC, DOJ and Manhattan District Attorney's Office.

Represented a landscaping company and its president in a New York Labor Law "prevailing wage" criminal investigation.

Represented a sales manager of an international furniture company in a criminal investigation into alleged vendor kickbacks and fraudulent invoicing.

Represented an official of a major Southeastern bank in an internal investigation of the bank's accounting and revenue recognition practices.

Represented an officer and various employees of an automobile manufacturer in connection with a criminal antitrust investigation.

Represented the former counsel of a multinational food product and dairy company in a financial fraud investigation.

Represented a former officer of a footwear company in SEC and DOJ investigations into sales reporting practices.

Represented brokers at various firms in connection with the Eastern District of New York "squawk box" prosecutions.

Represented a construction company and its officers in a criminal investigation involving alleged kickbacks and money laundering.

Represented a former managing director of a financial institution in connection with a criminal investigation probing IPO allocations.

Honors and Awards:

Selected as one of *The Best Lawyers in America* in the Criminal Defense: White-Collar area by America Lawyer Media, 2010.

Listed in "New York Super Lawyers," 2009.

Memberships and Associations:

Association of the Bar of the City of New York
Federal Bar Foundation, president
Federal Bar Council, former vice president

Client Advisories:

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

Bar Admission:

New York, 1970

Courts:

U.S. Supreme Court
U.S. Court of Appeals – Second Circuit
U.S. District Court – Southern and Eastern Districts of New York

Education:

Cornell Law School, J.D., 1968
Order of the Coif
Cornell Law Quarterly, editor

Cornell University, B.A., 1965

Office Location:
101 Park Avenue
New York, NY 10178-0002