



David G. Liston

Counsel

New York

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Areas of Concentration

- Internal Investigations and Corporate Compliance
- White Collar Criminal and Regulatory Defense
- SEC Representation
- Complex Civil Litigation with a focus on international business disputes, professional liability, securities fraud, and banking
- Foreign Corrupt Practices Act and Anti-Money Laundering counseling and representation

Court Admissions

- United States District Courts for the Southern and Eastern Districts of New York
- United States District Court, District of New Jersey
- United States District Court, Eastern District of Wisconsin

Professional Activities

- Associate, Zuckerman Spaeder, LLP (litigation associate with New York office of a mid-size law firm specializing in complex litigation and white collar representation with a principal office in Washington, D.C., and other offices in Baltimore, Miami, and Tampa), 1999-2002.
- Assistant District Attorney, Manhattan District Attorney's Office (gained extensive courtroom experience and conducted numerous investigations into credit card fraud, internet crimes, welfare fraud, official corruption, narcotics trafficking, organized crime, and violent street gangs), 1994-1999.
- Law Clerk to the Honorable Richard S. Cohen, Appellate Division, Superior Court of New Jersey (researched and

Practice Groups and Other Information

Corporate Governance
Banking & Financial Services
International
Litigation
Not-for-Profit
Professional Liability
Securities Litigation
White Collar Crime & Corporate Compliance
Anti-Corruption and Internal Investigations
Intellectual Property

Education Information

Rutgers University School of Law, J.D., 1993, Senior Research Editor, Rutgers Law Review; Winner, Nathan Baker Mock Trial Competition; Semifinalist, David Cohn Appellate Moot Court Competition; Board Member, Public Interest Law Foundation
Rutgers University, B.A., 1990, Dean's List, Associate News Editor, The Daily Targum

Bar Admissions

New Jersey, 1993
New York, 1994

drafted bench memoranda and appellate opinions in connection with civil and criminal appeals), 1993-1994.

Highlighted Matters

- Represented accused at trial in first-ever criminal prosecution for alleged perjury before the National Association of Securities Dealers.
- Supervised internal investigation at a prominent international actuarial firm and avoided criminal charges against company and a corporate executive.
- Persuaded U.S. Attorney's Office to not prosecute an engineering contractor for alleged multimillion-dollar insurance fraud.
- Persuaded U.S. Attorney's Office to not prosecute a well-known non-profit organization in connection with alleged fraud by welfare-to-work agencies.
- Persuaded state prosecutors to not compel testimony of our client, the defendant's sister, in a high-profile murder prosecution.
- Persuaded U.S. Attorney's Office to not prosecute medical billing service company and owner for alleged scheme to defraud.
- Persuaded U.S. Attorney's Office to not prosecute parochial schools for alleged violations related to federal lunch program.
- Persuaded SEC to not prosecute a business executive for alleged insider trading.
- Extensive involvement in drafting and planning motion to dismiss complaint against an international banking client in \$150 million federal district court case involving RICO, fraud, and money laundering claims similar to those advanced in the Bank of New York-Russian money laundering case. Plaintiff dismissed the action without prejudice rather than respond to the motion.
- Briefed and argued case before the New York State Appellate Division that resulted in a substantial change in the law governing the de facto merger doctrine (*Fitzgerald v. Fahnestock*, 730 N.Y.S. 2d 70 (1st Dept. 2001)).
- Served as chief outside New York counsel to a large construction firm in connection with several contract disputes as well as a criminal investigation into work permits fraudulently obtained by a competing firm using client's corporate information.
- Internal Investigation of major French corporation relating to whistleblower allegations of false financial reporting;

represented company in resulting FBI and SEC investigations.

- Represented medical supply company in an insurance fraud investigation by the Brooklyn District Attorney's Office.
- Represented former chairman of a well-known Middle Eastern bank in connection with civil and criminal litigation related to collapse of bank.
- Represented former outside auditors who were being investigated by the Manhattan District Attorney's Office and the SEC in connection with alleged financial improprieties related to audit client, a high-profile, publicly traded company.
- Represented international banking client in connection with civil litigation related to Parmalat collapse.
- Represented sales executives in the criminal investigation of foreign pharmaceutical company for alleged off-label drug promotion and bribery of prescribing doctors.
- Represented senior executive of a telecommunications company in criminal and SEC investigations of Lucent relating to attempted fraud in reporting financial results.
- Represented numerous executives and employees of Royal Ahold subsidiaries in investigation of U.S. Foodservice by U.S. Attorney's Office and SEC and in related civil litigation.
- Representing Big Four accounting firms in various federal securities class actions and malpractice actions.
- Representing export company and its leadership accused by U.S. Attorney's office of export violations.
- Supervisor and co-founder of Hughes Hubbard's pro bono Criminal Trial Program.
- Advising United States issuers and foreign entities on FCPA investigation and compliance matters.
- Representing numerous companies and individuals, both in the U.S. and abroad, in connection with pending investigations by the SEC, NASD, NYSE, New York State Attorney General's Office, Manhattan District Attorney's Office, and the Department of Justice.

Other Activities

- Commissioner, Civilian Complaint Review Board, City of New York, appointed by Mayor Michael Bloomberg, May 2009-present.
- Participant, U.S. Department of State, International Visitor Leadership Program (speaker, host, and organizer of various State Department-sponsored programs concerning anti-

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money laundering, terrorist financing, international security, white collar crime, and securities regulation), 2003-present.

- Speaker, conference regarding U.S. laws regulating imports and other legal issues related to U.S./Vietnam relations, hosted by the An Giang People's Committee, Long Xuyen, Vietnam, February 2008.
- Speaker, Fundamentals of Money Laundering and Anti-Money Laundering Compliance for Insurance Companies, American Conference Institute, April 2006.
- Speaker, Introduction to Manhattan Criminal Court, 19th Precinct Community Council, November 2005.
- Recipient, certificate of appreciation from U.S. Department of State for contributions to the International Leadership Program, December 2007.
- Recipient, "Our Town Thanks You" public service awards, December 2004 and February 2009.
- Recipient, proclamations and citations from the New York State Senate and Assembly, New York City Council, and Manhattan Borough President, for service to the City of New York, March 2009.
- Recipient, certificate of appreciation from the New York City Police Department, 19th Precinct, for service to local community, National Night Out Against Crime, August 2006.
- Recipient, award from the New York City Police Department, Manhattan South Vice. Squad, for service as an Assistant District Attorney in connection with Operation Dagnet, August 1999.
- Recipient, certificate of appreciation from the New York City Police Department, Street Crime Unit, for service as an Assistant District Attorney in connection with Operation Gang Busters, December 1997.
- Recipient, certificate of appreciation from the U.S. Attorney's Office, District of Massachusetts, for service as an Assistant District Attorney in connection with investigation and prosecution of violent street gang accused of narcotics trafficking and money laundering, December 1998.
- Chairman, Manhattan Community Board 8, 2005-2008.
- Member, Manhattan Borough Board, 2003-present.
- Chairman, East 79th Street Construction Safety Task Force, 2005-2006.
- Executive Committee, Morgenthau Alumni Group, 2000-present.
- Member, Hogan-Morgenthau Associates, 1999-present.

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- Member, Association of the Bar of the City of New York, Election Law Committee, 2003-2005, 2003-2005, Criminal Advocacy Committee, 2010-present.
- Member, New York State Bar Association, Committee on White Collar Criminal Litigation of the New York State Bar Association.
- Co-Chair, Landmarks Preservation Committee, Manhattan Community Board 8, 2009-present.
- President, Holy Trinity Neighborhood Center, 2001-present.
- Vice President, 19th Precinct Community Council, 2003-2006.
- Licensed Subdeacon, Episcopal Diocese of New York, and active member of the Church of the Holy Trinity, Manhattan (vestry member, fundraising chair, usher, member of the search committee for new Rector).
- Long Distance Runner (five New York City marathons – 1998, 1999, 2000, 2001, 2004 and one Seattle Marathon – 2000; honorary member, New York City Police Department Running Team).
- Amateur Boxer (Corporate Boxing Challenge, benefiting the Sarcoma Foundation, November 2009), member, USA Boxing, Metropolitan Association, and Trinity Boxing Club.
- Member, Irish American Bar Association of New York, 2007-present.
- Member, Scottish American Bar Association of New York, 2007-present.