

Brian Mogck

PARTNER

212 335 2034

bmogck@whwllp.com



EDUCATION

Columbia University School of Law, J.D. (2006)

Emory University, Ph.D. (2003)

Emory University, M.A. (2001)

Hamline University, B.A. (1997); magna cum laude; Phi Beta Kappa

CLERKSHIPS

Hon. Edward R. Korman, U.S. District Court for the Eastern District of New York

ADMISSIONS

New York
New Jersey

Brian represents individuals and organizations in criminal, regulatory, and internal investigations and related litigation. Brian's clients value his ability to rigorously analyze complex, unsettled legal issues; pinpoint the key facts within oceans of information; and structure decision-making processes that lead to successful outcomes.

In criminal and regulatory enforcement matters, Brian is well-versed in matters involving allegations of fraud and deceptive business practices, securities and accounting fraud, insider trading, misappropriation, and obstruction of justice. He has also briefed and argued criminal appeals.

Brian's clients have included corporate executives, board members and boards, elected officials, lawyers, accountants, traders and fund managers, broker-dealers, banks, private equity firms, and hedge funds. His industry experience encompasses clients in financial services, professional services, retail, energy, media and communications, and health care.

Brian has recently appeared before the Securities and Exchange Commission (SEC), U.S. Attorney's Office for the Southern District of New York (SDNY), New York State Office of the Attorney General, and Financial Industry Regulatory Authority (FINRA).

In civil litigation, Brian defends clients facing important or novel types of disputes, often related to contract interpretation, theft of trade secrets, attorney ethics and privilege, and whistleblower and qui tam issues. He has briefed appeals in state and federal courts related to civil rights issues, including claims under the First and Eighth Amendments.

Brian's pro bono activities have focused on promoting the rule of law at the United Nations and challenging arbitrary, capricious, or unlawful government action (including through Article 78 lawsuits).

Before joining WHW, Brian litigated and investigated high-stakes matters for over seven years in the award-winning litigation department of a large global law firm. He is the author of *Writing to Reason*, a guide to philosophical writing, published by Blackwell (2008).

Experience

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White Collar/Regulatory Defense and Investigations

Represented former president of public technology company in federal criminal proceedings—including proffer, plea, cooperation, trial testimony, and sentencing—resulting in noncustodial sentence, and in parallel SEC enforcement action, resulting in a settlement with no fine (co-lead counsel in criminal action; lead counsel in SEC action).

Defended national energy services company in New York Attorney General investigation into alleged deceptive business practices, resulting in a favorable settlement without admission of liability (lead counsel in settlement).

Conducted internal investigation on behalf of public communications company related to alleged misappropriation of funds and intellectual property.

Defended attorney in SEC investigation into alleged bond fraud, resulting in declination.

Defended banking executive in internal investigation related to alleged misappropriation of confidential supervisory information, resulting in no charges or discipline.

Defended another banking executive in internal investigation and settlement of civil claims by former employer related to alleged misappropriation of confidential supervisory information.

Defended global retailer in OSHA investigation and bench trial related to alleged general duty clause violation.

Defended global energy company in federal criminal investigation into alleged obstruction of justice and conducted parallel internal investigation, resulting in settlement.

Conducted internal investigation on behalf of independent directors of a public media company related to alleged hostile work environment.

Commercial Litigation

Defending scientist in federal tortious interference lawsuit brought by energy company (lead counsel).

Representing private equity firm in connection with representations and warranties insurance claim arising from alleged financial misrepresentations by acquisition target (lead counsel).

Representing global media company in New York state court litigation concerning entitlement to proceeds of sale of development rights (co-lead counsel).

Defended global media company in federal copyright infringement and breach of contract lawsuit, resulting in settlement (lead counsel).

Represented whistleblower in federal qui tam lawsuit alleging Medicare/Medicaid fraud (lead counsel).

Engaged by several clients to evaluate potential qui tam/whistleblower bounty claims related to a state construction project, medical kickbacks, and both municipal and state procurement (lead counsel on all).

Represented global accounting firm in putative class-action lawsuit brought by former audit associates seeking allegedly unpaid overtime wages.

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Pro Bono

Served as a legal advisor to the Holy See Mission to the United Nations, focusing on the Rule of Law debate in the Sixth Committee of the General Assembly (2012–2016).

Argued and briefed two appeals on behalf of Brooklyn District Attorney's Office, securing affirmances of second-degree murder conviction in one case and first-degree assault conviction in another.

Represented Iraqi journalist in successful affirmative asylum application.