

Steven J. McCool

Partner

**MALLON &
MCCOOL**
ATTORNEYS AT LAW



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Education

Washington College of Law,
American University
Dickinson College

Bar Admissions

District of Columbia
Virginia
Maryland
Pennsylvania

Court Admissions

U.S. Supreme Court
U.S. Court of Appeals, D.C. Circuit
U.S. Court of Appeals, Fourth Circuit
U.S. District Court, District of Columbia
U.S. District Court, Eastern District of
Virginia
U.S. District Court, Western District of
Virginia
U.S. District Court, District of Maryland

Prior Experience

Assistant United States Attorney
for the District of Columbia
Criminal, Superior Court and
Civil Divisions
1990-1998

Law Clerk to Hon. Robert M. Scott
Superior Court of the
District of Columbia
1989-1990

Steven McCool, a former Federal prosecutor, has served as lead counsel in more than 75 criminal and civil jury and bench trials. He is a Fellow of the *American College of Trial Lawyers*. *The National Law Journal* has named him as one of 50 lawyers in the United States who has made his mark in white-collar litigation. In *Chambers USA: America's Leading Lawyers for Business*, his peers describe him as an "exceptionally gifted" trial lawyer and a "tenacious" advocate for his clients, "including SEC enforcement, internal and grand jury investigations, in addition to FCA litigation." Mr. McCool is identified as one of the *Best Lawyers in America*® by *U.S. News & World Report* (Tier 1 – Criminal Defense: White-Collar Litigation). He is also recognized as one of "Washington's Top Lawyers" by *Washingtonian Magazine*, and in 2014, 2015, 2016 and 2017, Mr. McCool was named as one of the "Top 100 Lawyers in Washington, DC" by *Super Lawyers*®. *Main Justice* honored Mr. McCool with its Distinguished Service Award in the Zealous Advocates category and as one of five nominees for Trial Firm of the Year in its first annual Best FCPA Lawyers Client Services Awards.

Mr. McCool represents companies, officers, directors, executives and other individuals in criminal, civil and administrative matters, including grand jury investigations, internal investigations, SEC enforcement proceedings, and False Claims Act litigation. He has litigated a variety of cases relating to the Foreign Corrupt Practices Act, ITAR, export controls, the Clean Water Act, bank fraud, money laundering, securities fraud, government contracting fraud, mortgage and other accounting fraud, as well as non-white collar offenses. Mr. McCool has also handled complex civil matters involving Title VII, civil rights, constitutional questions, tort issues, and asset forfeiture.

SELECTED REPRESENTATIONS

Lead counsel for a Federal Judge before a Judicial Special Committee relating to a charge of judicial misconduct.

Conducted an internal investigation of a Chief Executive Officer for a publicly-traded company and reported findings to the Audit Committee.

Lead counsel for a former telephone company executive charged with defrauding the Federal Lifeline telephone program out of more than \$32 million in *United States v. Leonard I. Solt*, 14-CR-2014 (M.D. Fla.). On the eve of what was expected to be an eight-week trial, the U.S. Department of Justice dismissed all charges against Mr. Solt.

Lead counsel for a former Allied Defense Group executive charged alongside 21 other individuals in the first large-scale, FCPA-related FBI sting case. After an 18-week jury trial, in what was called the U.S. Department of Justice's "Flagship FCPA prosecution," the presiding Federal judge granted the government's motion to dismiss all charges after the jury deadlocked in overwhelming favor for acquittal of Mr. McCool's client. *United States v. Marc Frederick Morales*, 09-CR-349 (D.D.C.).

Lead counsel for Patton Boggs in a discrimination lawsuit brought by a former employee. Following extensive discovery, Plaintiff dismissed her case against Patton Boggs and its former employer with prejudice, just prior to her scheduled deposition. She received no remuneration from Patton Boggs. *Colombo v. Patton Boggs, LLP, et al.*, 2012 CA 00321B (D.C. Super. Ct.).

Lead counsel for officer and executive of a national healthcare provider at depositions pursuant to civil investigative demands issued by the U.S. Department of Justice in a multi-state False Claims Act investigation.

Lead counsel for emissions engineer in a U.S. Department of Justice investigation of allegations that Volkswagen AG implemented software to defeat U.S. emissions tests in hundreds of thousands of Volkswagen's "clean diesel" vehicles.

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Lead counsel defending a security company in a negligence lawsuit brought by a Federal agent who claims he suffered injuries during a training exercise at the U.S. State Department, Diplomatic Training Facility at Fort A.P. Hill. *Special Agent Ryan Foreman, et al., v. All Native Inc., et al.*, 16-CV-272 (E.D. Va.).

Lead counsel for a small business owner who is alleged to have engaged in a \$20 million fraud scheme involving the H-1B Visa Program. *United States v. Smriti Jharia*, 16-CR-43 (E.D. Va.).

Lead counsel for a government contracting firm executive charged in the U.S. District Court for the Eastern District of Virginia with conspiring to commit major fraud against the U.S. Small Business Administration. *United States v. Joseph P. Richards*, 13-CR-076 (E.D. Va.).

Lead counsel for a vice president of a national transportation consulting firm, who was charged with giving an illegal gratuity to a public official and prosecuted by the Antitrust Division of the U.S. Department of Justice. Following a week-long trial, the jury returned a not guilty verdict. *United States v. Kenneth Keitt*, 07-CR-041 (D.D.C.).

Lead counsel for Donald Ball, a former Blackwater security contractor, who was indicted for a shooting incident in Baghdad, Iraq. Following a three-week *Kastigar* hearing, a Federal judge dismissed all charges. *United States v. Slough*, 677 F. Supp. 112 (D.D.C. 2009). Following reversal in *United States v. Slough*, 641 F.3d 544 (D.C. Cir. 2011), the United States dismissed all charges against Mr. Ball with prejudice.

Lead counsel for an executive of a multi-national freight forwarding company investigated for price-fixing by the Antitrust Division of the U.S. Department of Justice.

Lead counsel for an individual investigated by the U.S. Attorney's Office for the District of Maryland for potential violations of the Arms Export Control Act.

Lead counsel for a foreign national whose funds were seized for forfeiture by the United States as substitute assets, following the convictions of other foreign nationals in *United States v. Alexandre De Basseville et al.*, Criminal Case No. 06-CR-235 (E.D.Va.). The U.S. District Court for the Eastern District of Virginia granted counsel's petition asserting a third-party interest in the money seized under 21 U.S.C. § 853 and ordered the United States to return the funds. *United States v. D'Esclavelles*, 541 F. Supp. 2d 793 (E.D. Va. 2008). Following a reversal by the U.S. Court of Appeals for the Fourth Circuit (*United States v. Buk*, 314 F. App'x 565 (4th Cir. 2009)), the Asset Forfeiture and Money Laundering Section of the U.S. Department of Justice granted counsel's petition for remission of forfeiture and returned the seized funds.

Lead counsel for employees of a security contracting firm in Afghanistan investigated for fraud by the Antitrust Division of the U.S. Department of Justice.

Lead counsel for the President/COO of PurchasePro.com in parallel proceedings before the SEC and the U.S. District Court for the Eastern District of Virginia in securities fraud prosecution. *United States v. Shawn P. McGhee*, 04-CR-495 (E.D. Va.).

Lead counsel for a managing director of a telecommunications company, who received a sentence of probation in the U.S. District Court for the District of New Jersey, after pleading guilty to violating the Foreign Corrupt Practices Act. *United States v. Roger Michael Young*, 07-CR-609 (D.N.J.).

Lead counsel for a telecommunications executive in connection with the World-Com accounting fraud prosecution by the U.S. Attorney's Office for the Southern District of New York.

Lead counsel for a former U.S. Foodservice, Inc. vice president, in connection with an accounting fraud prosecution by the U.S. Attorney's Office for the Southern District of New York.

Co-lead counsel for an attorney charged in the U.S. District Court for the Eastern District of Virginia with immigration fraud and conspiracy. Client received a non-fraud plea that resulted in a 30-day jail sentence and no disbarment. *United States v. Gloria Calonge*, 07-CR-380 (E.D. Va.).

Secured prosecution declination for crewmembers under investigation for violating the Act to Prevent Pollution from Ships by failing to maintain accurate records about the disposal of oil-contaminated waste.

Lead counsel for employees of a military ammunitions dealer investigated by the U.S. Attorney's Office for the District of Maryland for potential violations of the Foreign Corrupt Practices Act and ITAR.

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Lead counsel for a Canadian company investigated by the United States Postal Services for allegedly using promotional activities and representations for obtaining money or property through the mails in violation of Federal law.

Lead counsel for a high-level official of the Corporation for Public Broadcasting relating to an Inspector General investigation.

Lead counsel for a real estate executive investigated by the SEC and subsequently cleared of insider trading allegations.

Lead counsel for a vice president of a Government Sponsored Enterprise in an internal investigation of allegations of accounting irregularities.

Lead counsel for an aviation maintenance director charged in the U.S. District Court for the District of Oregon with conspiracy to defraud the United States Forest Service. *United States v. Levi Phillips*, Criminal 13-CR-0053 (D. Or.).

Lead counsel for lobbyists and Congressional staffers in the Abramoff investigation.

Lead counsel for a Public Information Officer in a U.S. Department of Justice, Environmental Crimes Section Clean Water Act investigation of the Washington Area Sewer Authority.

Lead counsel for the Board of Directors of an Illinois bank in a matter brought by the Office of the Comptroller of Currency.

Appointed as co-lead counsel by a Federal judge for a client facing the death penalty for 31 homicides, CCE, RICO and related charges. After the jury refused to impose the death penalty, the Court sentenced the client to a life sentence following a 13-month jury trial. *United States v. Rodney Moore, et al.*, 00-CR-157 (D.D.C.).

Lead counsel for, William Spieler, the owner of a well-known nightclub, who was arrested for murder in the District of Columbia. Prosecutors dismissed all charges, after the Metropolitan Police Chief announced on television that Mr. Spieler would be convicted. *United States v. William Spieler*, 2010 CF2 019482 (D.C. Super. Ct.).

Lead counsel for NSA Station Chief for Korea who pled guilty to child abuse resulting in death in Montgomery County, Maryland. Prosecutor sought a 40-year term of imprisonment. Mr. O'Callaghan was sentenced to 12 years imprisonment, and he will be eligible for release in four years. *State of Maryland v. Brian O'Callaghan*, Case No. 124572C (Mont. Co. Cir. Ct.).

Appointed by a Federal Judge as lead counsel for indigent client charged with Conspiracy to Distribute One Kilogram or More of Phencyclidine, Possessing a Firearm During a Federal Drug Trafficking Offense, Armed Extortion, Armed Robbery, First Degree Burglary While Armed, Obstruction of Justice, Cruelty to Children, Unlawful Possession with the Intent to Distribute Phencyclidine and Possession of an Unregistered Firearm in *United States v. Dawayne Brown*, Criminal Case No. 13-CR-00203 (D.D.C.). On March 24, 2015, following a 12-week trial, a jury acquitted Mr. Brown on all charges, except a lesser burglary offense and Unlawful Possession with the Intent to Distribute Phencyclidine and Possession of an Unregistered Firearm.

Lead counsel for Georgetown University student who was acquitted following trial on multiple counts of assault. *United States v. Justin Weiss*, Criminal Case No. 2008-CMD-022427 (D.C. Super. Ct.).