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James Brochin
Of Counsel

James Brochin's practice focuses on white-collar defense, complex civil litigation, FCPA, government regulatory matters, and internal investigations. Over the course of his career, Jim has specialized in the hard case, the case which involves difficult legal or factual issues—or often both. In his white-collar practice, Jim represents both companies and their executives in a wide variety of government investigations, including high-profile investigations by the US Department of Justice (including the U.S. Attorney's Offices for the Southern and Eastern Districts of New York), the Manhattan District Attorney's Office, the New York State Attorney General's Office, and the Securities and Exchange Commission.

Jim's work over the past several years has included the successful representation of a number of senior C-suite and other level executives in cross-border investigations. In his civil litigation practice, Jim has handled a variety of complex matters in areas ranging from insurance coverage to commercial litigation to securities fraud and shareholder derivative suits to ERISA and antitrust.

Jim is also an experienced trial lawyer, having tried civil and criminal cases in a variety of jurisdictions involving a range of subject matters. Along with his many years in private practice, Jim brings prosecutorial experience, having served as an associate independent counsel in the investigation of former Agriculture Secretary Mike Espy.

Jim also devotes significant time to pro bono work. He regularly represents the Innocence Project, for whom he has filed more than a dozen amicus briefs in courts throughout the country addressing the law concerning eyewitness identification evidence.

Representative Matters (Criminal and Regulatory Matters)

- Negotiated favorable deferred prosecution agreement and ultimate dismissal of all charges for CFO of a major multinational telecommunications equipment company charged with wire fraud and bank fraud related to purported criminal economic sanctions evasion in a highly publicized case in the Eastern District of New York.
- Represented the CFO of the operating subsidiary of a major government contractor in connection with a DOJ and SEC investigation into allegations of accounting fraud.
- Represented a major New York-based construction company in an investigation by the Manhattan District Attorney's Office into corruption in the affordable housing industry.
- Represented several executives of a major pharmaceutical distribution company into allegations concerning the diversion of controlled substances; no charges were brought against any of the executives.
- Successfully represented an executive of a Swiss bank in an investigation of the bank by DOJ for tax fraud. The executive was not charged.

- Negotiated favorable resolution on behalf of the chief accounting officer of a publicly traded company in an SEC investigation of expense fraud and accounting irregularities.
- Represented several executives of a multinational food processing company in connection with a DOJ and SEC investigation into alleged violations of the FCPA in Russia and India.
- Represented a major international financial institution in regulatory investigations into allegations of manipulation of a benchmark interest rate.
- Represented a major custody bank in regulatory investigations regarding foreign exchange practices.
- Represented a major financial institution in an investigation by DOJ and SEC into alleged FCPA violations in connection with hiring practices outside the US.
- Successfully navigated, on behalf of an international real estate firm, DOJ and SEC investigations into possible FCPA violations in connection with the proposed purchase of a major real estate project in Asia.
- Represented of the former Chief of Staff to the Vice President in his highly publicized trial and subsequent proceedings.
- Represented former New York Governor Eliot Spitzer.

Representative Matters (Civil Litigation)

- Litigated, on behalf of a major national property and casualty insurer, more than two dozen COVID-19 business interruption lawsuits, which resulted in more than 20 case dismissals on motions.
- Litigated, on behalf of a major national property and casualty insurer, a complex coverage action alleging more than $1 billion in damages involving coverage for damage caused by a cyberattack in connection with the conflict between Russia and Ukraine.
- Obtained the dismissal of shareholder derivative suits arising out of allegations of misconduct against its former CEO on behalf of a publicly traded software company.
- Successfully settled, on behalf of a tech company founder, litigation brought by the company's lead investor.

Representative Matters (Internal Investigations)

- Conducted an investigation into safety culture and potential safety violations on behalf of an airport transit system.
- Represented a Japanese multinational manufacturer in an internal investigation into possible accounting fraud.
- Conducted an investigation into allegations of off-label marketing for a Japanese pharmaceutical company.
- Represented the audit committee of a technology company in an internal investigation relating to possible OFAC violations.

Education

- J.D., Yale Law School, 1990
- B.A., Yale University, 1984

Clerkships

- Hon. Kimba M. Wood, US District Court, Southern District of New York, 1990-1991

Bar & Court Admissions

- New York
- New Jersey
- District of Columbia
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the District of New Jersey
- U.S. District Court for the District of Connecticut
- U.S. District Court for the District of Columbia
- U.S. Court of Appeals for the Second Circuit
- U.S. Supreme Court