



McKool Smith
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EDUCATION

- J.D., Columbia University, 1971.
- A.B. Harvard College, *cum laude*, 1967.

COURT ADMISSIONS

- The State of New York
- District of Columbia
- The U.S. Supreme Court
- The U.S. Courts of Appeals for the Second, Fifth, and Seventh Circuits
- The U.S. District Courts for the Eastern, Northern, and Southern Districts of New York
- The U.S. District Court for the District of New Jersey
- The U.S. Tax Court

BAR ADMISSIONS

- Federal Bar Council
- New York Council of Defense Lawyers
- New York State Bar Association

THOMAS E. ENGEL

PRINCIPAL

Thomas Engel is a Principal in McKool Smith's New York office. Prior to joining McKool Smith, Mr. Engel started the New York office of Howrey LLP, and before that he was a founder of Engel, McCarney & Kenney, LLP, where he was a partner for 22 years.

After graduating from Columbia Law School in 1971, Mr. Engel entered private practice with a major New York law firm. In 1973, he was appointed an Assistant US Attorney for the Southern District of New York, where he tried numerous high-profile white collar, terrorism and organized crime matters. He was promoted to Assistant Chief of the Criminal Division under then US Attorney Robert B. Fiske, Jr. in 1977. In 2002, Mr. Engel was appointed by New York Governor George Pataki to serve on the Governor's Federal Judicial Screening Committee.

Mr. Engel has particularly broad experience in international litigation matters, having represented corporations and individuals from around the world in white collar criminal investigations and SEC enforcement matters. In addition, he has tried and argued appeals in civil and criminal cases in state and federal courts throughout the United States.

REPRESENTATIVE MATTERS

U.S. ex rel. Thistlethwaite v. Dowty Woodville Polymer, Ltd., et al. Lead counsel in the District Court and in the Second Circuit in vindicating subject matter jurisdiction for a whistleblower, a UK national, suing under the False Claims Act for a fraud that occurred outside the US in which the US Air Force was overcharged in the production of F-111 "swing wing" aircraft leading to a settlement with the UK defendants.

SEC v. Thrasher, et al. Lead counsel in the District Court in the criminal case, *United States v. Goodhue, et al.*, and obtained a *nolle prosequi* from the Government on behalf of an Australian client, alone among 24 defendants, in the civil insider trading case occasioned by the takeover of the Motel 6 lodging chain by Accor, S.A.

SEC v. Finacor Anstalt, et al. Successfully defended and avoided criminal charges against a Liechtenstein Anstalt and a Swiss lawyer in a criminal investigation into insider trading allegations in the takeover of Combustion Engineering by ABB, the Swedish-Swiss conglomerate.

DeLetelier v. Republic of Chile. Lead counsel opposing execution against the assets of LAN-Chile Airlines in a wrongful death case brought under the Foreign Sovereign Immunities Act (“FSIA”) by the survivors of Orlando DeLetelier, the Chilean ambassador to the United States who was assassinated in Washington, D.C.. The Second Circuit held that the FSIA did not permit such execution.

In re PCW Syndicates. Originated in connection with the PCW underwriting scandal at Lloyds of London and on behalf of individual syndicate investors (known as “Names”) both in the UK and in the US the theory of liability against Lloyds that its solicitation of Names constituted the sale of “securities” under the federal securities laws in the US. Negotiations resulted in a generous settlement from Lloyds.

Nunez v. Bartels. Lead trial counsel establishing ownership on behalf of a Venezuelan citizen of Panamanian bearer shares that were bequeathed through a will of a Venezuelan decedent in Caracas, and requiring, as a punishment for contempt, corporate dissolution and delivery of corporate assets, with interest, to satisfy the judgment.

Bear Stearns v. FICAP, S.A. Lead trial counsel representing a Brazilian company in connection with a breach of contract action brought by a US investment bank and broker dealer. The case was advantageously settled and is unreported.

United States v. Frade, et al. Represented the Presiding Bishop of the Episcopal Church as amicus curiae in successfully urging the reversal of convictions of two Episcopal priests for violation of the Trading with the Enemy Act in connection with the priests’ provision of humanitarian service during the Mariel Boatlift from Cuba.

Morton Mfg. Co. v. MTA. Lead trial counsel in an action against the Metropolitan Transportation Authority bringing “reverse discrimination” claims on behalf of two family-owned companies who were denied contracts in violation of their constitutional rights by enforcement of Minority Business Enterprise provisions in subway overhaul contracts. This case was settled successfully.

PROFESSIONAL ACTIVITIES

Federalist Society; Gov. George Pataki’s Federal Judicial Screening Committee, 2002-2006; Member, Federal Bar Council Panel on *Aprendi v. New Jersey*, 2003; Member, Federal Bar Council Panel on Qui Tam Litigation, 1997; Chair, Federal Bar Council Annual Thanksgiving Luncheon, 1996; Member, Committee on International Law Association of the Bar of the City of New York, 1982-1985; Faculty, Practising Law Institute, Advanced White Collar Criminal Practice, 1983-1984; Panel Attorney, Criminal Justice Act, 1979-1984.