

McKool Smith Adds Ex-Federal Prosecutor, MoFo Associate

By **Kathryn Brenzel**

Law360, New York (August 19, 2013, 2:29 PM ET) -- A former Morrison & Foerster LLP associate turned assistant U.S. attorney will join McKool Smith PC next month as a principal in the firm's New York office, lending more than a decade of criminal trial and investigation experience focused on bank and tax fraud and trade secret theft to the firm's growing white collar practice.

McKool said Monday that it has added Daniel W. Levy, a veteran of the U.S. Attorney's Office in the Southern District of New York. Levy will start in September, bolstering the firm's experience in complex investigations and government enforcement actions, a focus on the rise for the firm since forming its white collar practice in 2009, according to firm representatives.

"Dan's experience as an investigator and a prosecutor will be invaluable to our clients," Jack Cooney, the head of McKool's white collar defense practice, said in a statement. "He is a talented trial lawyer and will add significant depth to our expanding white collar practice. We're really thrilled that he's joining the firm."

Levy, who joined the U.S. Attorney's Office in 2002, is something of a fraud pro, having served as senior counsel for prosecutions involving various iterations of the offense, including money laundering, securities fraud, bank fraud, theft of trade secrets, identity theft, tax fraud and computer crimes, according to the firm.

Before his stint with the government, Levy worked as an associate at Morrison & Foerster for five years, where he focused on securities litigation and white collar criminal defense, among other things, he said. He graduated from Stanford Law School in 1996, he said.

With his broad array of white collar experience, Levy said he hopes to expand McKool's practice and help the firm tackle increasingly prevalent issues, such as trade secret theft.

"It's becoming more and more of a problem for the U.S. economy," he told Law360 on Monday, noting that Congress is currently mulling various amendments to trade secret statutes, which could change how these cases are handled.

Recently, Levy clinched a victory in the Second Circuit in a case involving a former Societe Generale SA trader who allegedly stole proprietary code for a high-frequency trading program. Earlier this month, the appeals court upheld the trader's 2010 conviction for using the bank's top-secret computer code to land a position at a rival firm, in violation of the Economic Espionage Act and National Stolen Property Act.

Levy said the case was particularly challenging, given the Second Circuit's 2012 decision to toss the conviction of a former Goldman Sachs Group Inc. employee who was facing similar trade secrets theft. The 2012 ruling had some fearing for the future of Wall Street's intellectual property protections.

The attorney also brings to McKool a host of international experience. He helped file history-making charges against Switzerland's oldest bank, Wegelin & Co., in February 2012, he said. The indictment was the first of its kind brought against an overseas bank for helping Americans commit tax fraud, he said.

In some ways, the case has signaled the start of a wave of tax fraud crackdowns. Off-shore financial institutions are under increasing scrutiny by the U.S. Department of Justice, he said, which will likely give rise to more tax fraud cases, not just in Switzerland, but in other countries as well. Like most white collar crime, the legal issues at the center of these cases are complex, but also require specialized skills in diplomacy and cultural understanding, he said.

"A prosecutor doesn't get to call up another country and say, 'Gather this information for us,'" he said. "It takes time and patience to gather that information."

The move to McKool was driven by the firm's forward-thinking appeal, but also Levy's desire to take on a new challenge after more than a decade of serving the government, he said.

"Eleven years is a long time," he said. "I'm ready to build some new skills and start serving the firm's clients. I feel like I'm ready for some new challenges."

McKool has more than 175 trial lawyers in its eight U.S. offices. The firm focuses on complex commercial litigation, intellectual property, bankruptcy and white collar defense matters.

--Editing by Katherine Rautenberg.