



Michael R. Dreeben

Partner

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Michael Dreeben serves as the firmwide Co-Chair of the White Collar Defense and Corporate Investigations Practice. He is one of the nation's most experienced and skilled Supreme Court advocates. He served in the US Department of Justice's Office of the Solicitor General for more than 30 years, including 24 years as the Deputy Solicitor General in charge of the government's criminal docket in the Supreme Court.

Michael has argued 105 cases in the Supreme Court on behalf of the United States. He has briefed hundreds more. These cases span the gamut of substantive criminal law and procedure, including landmark cases on public corruption, private fraud, Fourth Amendment privacy, and the First Amendment. The civil matters include the separation of powers, federal securities law, RICO, and labor law. In addition, Michael has argued cases in every regional federal court of appeals, including ten cases before en banc courts, and has argued appeals in the Montana Supreme Court, the Texas Court of Criminal Appeals, and the District of Columbia Court of Appeals.

In 2017, Michael served as Counselor to Special Counsel Robert Mueller III in the investigation of Russian interference in the 2016 presidential election and obstruction of justice. He led the team responsible for giving legal and strategic advice to the Special Counsel and all prosecution teams. He also had a leading role in defending the statutory and constitutional authority of the Special Counsel.

Michael's practice at O'Melveny embraces multiple areas of law, including Supreme Court and Appellate, White-Collar Defense & Corporate Investigations, Cybersecurity and Data Privacy, and

Admissions

Bar Admissions

District of Columbia

Court Admissions

US Court of Appeals, First, Fourth, Fifth, Seventh, Ninth, Tenth, and District of Columbia Circuit

US Supreme Court

Education

Duke University, J.D.

University of Chicago, M.A.

University of Wisconsin, Madison, B.A.

Securities Litigation. He also provides crisis-management counsel to clients, especially those facing government investigations and complex issues of first impression.

Michael serves as a Distinguished Visiting Professor from Government at Georgetown University Law Center. He has previously served as an adjunct professor at Georgetown Law and a visiting professor at Duke Law School, where he taught appellate advocacy and a seminar on constitutional litigation in the Supreme Court. Recently, he taught a seminar at the Faculty of Law at the Hebrew University of Jerusalem, Israel.

Experience

Selected Supreme Court Oral Arguments

Investigations, Public Corruption, and Financial Fraud

- *McDonnell v. United States* (2016): Corruption prosecution of Virginia governor
- *Skilling v. United States* (2010): Honest-services prosecution of Enron official
- *Arthur Andersen LLP v. United States* (2005): Obstruction-of-justice prosecution of Enron's accounting firm

Technology and Privacy Issues

- *United States v. Microsoft* (2018): Government's right to access email stored overseas
- *Carpenter v. United States* (2018): Government's right to obtain location information from cellular phone providers
- *Riley v. California* (2014): Government's right to search cell phones seized incident to arrest
- *United States v. Jones* (2011): Government's right to conduct GPS surveillance of vehicles

Securities Litigation and Enforcement

- *Salman v. United States* (2016): Upholding conviction for insider trading
- *United States v. O'Hagan* (1997): Sustaining misappropriation theory of securities fraud
- *Virginia Bankshares, Inc. v. Sandberg* (1991): Addressing implied private liability for proxy-statement fraud

First Amendment

- *Elonis v. United States* (2014): Defining standard of liability for criminal threats in social media
- *Virginia v. Black* (2002): Upholding liability for cross-burning
- *Wisconsin v. Mitchell* (1992): Upholding liability for race-based assault

Separation of Powers and Constitutional Authority

- *Plaut v. Spendthrift Farms* (1994): Congressional power to reopen final judgments of Article III courts
- *Sabri v. United States* (2004): Congressional power to regulate federal funds recipients
- *Medellin v. Dretke* (2005): Executive power to implement judgment of the International Court of Justice

Corporate & Government Experience

- Judicial clerkship, Honorable Jerre S. Williams, US Court of Appeals for the Fifth Circuit (1981-1982)
- Assistant to the Solicitor General (1988-1994)
- Deputy Solicitor General (1995-2019)
- Special Assistant US Attorney in the District of Maryland (Summer 2006)
- Counselor to Special Counsel Robert S. Mueller III (2017-2019)

Professional Activities

Member

- American Law Institute
- Edward Bennett Williams American Inn of Court

Recent Speaking Engagements

- Panelist, "Overview of the Supreme Court 2020 Term," Massachusetts Continuing Legal Education 6th Annual Appellate Practice Conference (December 2020)
- Speaker, "Preparing for and Delivering an Effective Appellate Argument," 30th Annual Conference on State and Federal Appeals (June 2020)
- Speaker, "Navigating the Multi-polar Environment of US Privacy Regulation: Trends in Constitutional, Federal, and State Law," Innovations in Online Privacy, Commerce, and Consumerism 2020 Conference (March 2020)
- Panelist, "Caligula, H.A.L. and 1984: How 'Corpus Linguistics' May Be Changing the Interpretation of Legal Texts," AI for Human Language Conference (March 2020)
- Panelist, Supreme Court Review panel, Federal Bar Council Winter Bench & Bar Conference (February 2020)
- Panelist, "Finding the Perpetrator in a Data Dependent World," American University Washington College of Law, Justice in Cyberspace: A Symposium (February 2020)
- Speaker, A Fireside Chat with Dean Gillian Lester, Columbia Law School Social Justice Initiatives (January 2020)
- Keynote Speaker, Human Language Technology Conference, Washington, DC (December 2019)
- Speaker, Supreme Court Perspectives Luncheon, Winter Meeting of the National Association of Attorneys General, Washington, DC (December 2019)
- Speaker, Lives in the Law, Discussion with Dean Kerry Abrams, Duke Law School (September 2019)
- Constitution Day Speaker, Representing the Government in the Supreme Court: A Conversation, Hofstra University Law School (September 2019)
- Panelist, ABA Annual Meeting, Annual Survey of US Supreme Court Criminal Law Decisions, Criminal Justice Section, San Francisco, California (August 2019)
- Panelist, The Future of American Sentencing: A National Roundtable on Blakely, 2 Ohio St. J. of Crim. L. 619 (2005)
- Panelist, Rex E. Lee Conference on the Office of the Solicitor General of the United States, 2003 B.Y.U. Law Rev. 112-120 (2003)

Author

- The Confrontation Clause, the Law of Unintended Consequences, and the Structure of Sixth Amendment Analysis, 34 Geo. L. J. Ann. Rev. Crim. Pro. iii (2005) (Prefatory Article)
- The Right to Present a Twinkie Defense, 9 Green Bag 2d 353 (Summer 2006)
- Insider Trading and Intangible Rights: The Redefinition of the Mail Fraud Statute, 26 Am. Crim. L. Rev. 181 (1988)

Honors & Awards

- Attorney General's Award for Distinguished Service
- Rex E. Lee Advocacy Award for excellence in legal advocacy
- US Department of Justice, John Marshall Award for handling of appeals
- Presidential Rank Award for Senior Executives
- Tom C. Clark Award for Outstanding Federal Government Lawyer
- Recognized by *the Legal 500 US* for Appellate (2020-2021)
- Duke Law School, Charles S. Murphy Award for exemplary service to the community (2018)
- 2019 "Fastcase 50" Award Winner (honoring 50 innovators, visionaries, and leaders in law)