



Jeremy Maltby

Partner

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Jeremy Maltby acts as a counselor and litigator, assisting clients with complex issues in the areas of constitutional, regulatory, criminal, and international law. He advises domestic and international companies, including some of the world's largest financial institutions, diversified US and offshore companies, *Fortune 100* manufacturers, corporate executives, and other prominent individuals. He also serves as the managing partner of O'Melveny's Washington, DC office.

Jeremy most recently served in the White House Counsel's Office as Special Assistant and Senior Counsel to the President, providing legal advice to President Barack Obama and his Senior Advisors on the Obama administration's domestic policy agenda – focusing on the Departments of Health and Human Services; Labor; Education; and Housing and Urban Development. His portfolio also included civil rights and data privacy issues.

In the wake of Edward Snowden's global surveillance disclosures, Jeremy chaired an internal White House working group on data privacy, and later participated in the broader Big Data working group chaired by the President's Former Senior Counselor, John Podesta. Jeremy served as liaison between the White House Counsel's Office and the Solicitor General's Office; and advised the President, Vice President and Senior Advisors on matters pending before the Supreme Court. In addition, Jeremy worked extensively on the implementation and defense of the Affordable Care Act, including the contraceptive coverage litigation, as well as the highly-publicized *King v. Burwell*.

Before joining O'Melveny for the first time, Jeremy clerked for Justice David H. Souter on the United States Supreme Court.

Admissions

Bar Admissions

California
District of Columbia
New York

Court Admissions

US Supreme Court
US Court of Appeals, Second, Fourth, Ninth, and Eleventh Circuits
US District Court, Southern and Eastern Districts of New York

Education

Columbia University, J.D., 1995:
Chancellor James Kent Scholar;
Harlan Fiske Stone Scholar; Articles
Editor, *Columbia Law Review*
Harvard University, A.B., History and
Literature, 1990: *magna cum laude*

Over the course of his career, Jeremy has been the principal author of numerous briefs in federal and state trial and appellate courts, including the US Supreme Court – and he has argued numerous trial court motions and appeals. Jeremy has served as trial counsel in several federal criminal trials.

Experience

White House Experience

- Served as Special Assistant and Senior Counsel to the President; provided legal advice to President Barack Obama and his Senior Advisors on the administration's domestic policy agenda.
- Portfolio included civil rights and data privacy, and the Departments of Health and Human Services; Labor; Education; and Housing and Urban Development.
- Chaired an internal White House working group on data privacy and participated in Former Counselor John Podesta's working group on big data.
- Served as the White House Counsel's Office liaison with the Solicitor General's Office; advised the President, Vice President and Senior Advisors on matters pending before the Supreme Court.
- Worked extensively on the implementation and defense of the Affordable Care Act, including contraceptive coverage litigation, as well as the highly publicized *King v. Burwell*.

Appellate and Trial Advocacy

- Drafted numerous merits briefs in the US Supreme Court, including *Moseley v. V Secret Catalogue, Inc.*; *Dastar v. Twentieth Century Fox Film Corp.*; and *Utah v. Evans*.
- Drafted numerous briefs in federal and state appellate courts, including in *United States v. Martha Stewart*, and in *Janssen v. Armond*, and related cases, in which the Mississippi Supreme Court reversed its prior approach to joinder and dramatically reduced the availability of mass trials.
- Secured dismissal of environmental class action RICO claim against a meat producer and its CEO, and obtained affirmance on appeal in the 11th Circuit.
- Served as trial counsel for an individual defendant in *United States v. W.R. Grace, et al.*, one of the largest federal criminal prosecution of alleged violations of the Clean Air Act and described by environmental law authorities as one of the biggest environmental crimes trial in history; a jury acquitted client of all charges.
- Served as trial counsel in *United States v. Skinner*, a 6-week federal false statement trial in which the jury acquitted the defendant of all charges.
- Served as trial counsel in *United States v. Shuster*, a 5-week jury trial involving charges of securities fraud and money laundering.
- Represented a high-ranking federal government official in a *Bivens* action alleging violation of certain constitutional rights; obtained a favorable decision from an *en banc* panel of the US Court of Appeals for the Second Circuit.
- Founded and taught the O'Melveny-UCLA Ninth Circuit Clinic, in which UCLA law students and O'Melveny lawyers work together to brief and argue *pro bono* appeals in the Ninth Circuit; during three academic years, the clinic handled 18 appeals involving, among other things, immigration law and civil rights claims.

Foreign Corrupt Practices Act

- Counsels various international businesses in conducting business overseas in a manner consistent with the Foreign Corrupt Practices Act, including conducting due diligence as part of mergers and acquisitions and internal reviews, investigating allegations of wrongdoings and making disclosures to the Justice Department and SEC, and obtaining formal and informal reviews by and approval from US and foreign officials.
- Assisted the Independent Compliance Consultant engaged by Schnitzer Steel Industries, Inc. (SSI) in conducting a top-to-bottom review of SSI's compliance programs with regard to anti-corruption issues; this process has required analysis of SSI's policies and procedures and interviews of senior management and business partners in different countries around the world.
- Designs and implements compliance programs designed to prevent violations of law and company policy.

Anti-Money Laundering/Patriot Act

- Advises several diversified financial institutions, including some of the world's largest, regarding AML compliance, working with regulators in responding to audits and investigations, and assisting in developing media and Congressional strategies as needed.
- Served as part of defense team that successfully negotiated a deferred prosecution for a financial institution regarding lapses in its AML program.
- Represented major broker-dealer in NASD inquiry regarding the adequacy of its anti-money laundering compliance programs.

Counseling

- Provided *Fortune 100* companies with constitutional advice and white papers on proposed legislation and lawsuits concerning their products and historical conduct.
- Provided constitutional advice concerning proposed asbestos legislation in US Congress.
- Prepared white papers in connection with proposed telecommunications merger.
- Advised citizens' group on the constitutionality of various proposals concerning the future status of Puerto Rico.

International

- Represented the Special Committee of a Brazilian technology/telecommunications company in an internal investigation of a whistleblower's allegations that senior management had been complicit in bribery of Brazilian government officials.
- Acted as Secretary to the Tribunal in *Methanex v. United States*, the NAFTA/ICSID arbitration.
- Represented US citizens in responding to foreign arrest warrants and in providing and obtaining evidence in foreign countries; represented US witnesses testifying before Italian and Belgian magistrates; has taken testimony before a Swiss magistrate for use in US court.
- Developed proposed rule for use of scientific evidence for the International Criminal Court.
- Represented a US issuer in connection with a criminal investigation by Italian magistrates of the conduct of its Italian affiliate; coordinated with Italian counsel; advised the client about the consequences of the affiliate's conduct and developed international litigation and arbitration strategy.

Professional Activities

Clerkships

- Honorable David H. Souter, US Supreme Court
- Honorable Pierre N. Leval, US Court of Appeals, Second Circuit
- Honorable Eugene H. Nickerson, US District Court, Eastern District of New York

Author

- “Legalized sports gambling: Anti-money laundering compliance,” *Westlaw Journal Bank & Lender Liability* (October 2018) (co-authored with Nicole Argentieri, Irwin Raji, Steve Olson, Eric Sibbitt, Laurel Loomis Rimon, and Marjorie B. Truwit)
- “Juggling Comity and Self Government: The Enforcement of Foreign Libel Judgments in US Courts,” 94 *Columbia Law Review* 1978 (1994)
- “Eugene H. Nickerson: A Tribute,” 102 *Columbia Law Review* 1183 (2002)
- “Moseley v. V Secret Catalogue, Inc.: One Answer, Many Questions,” 93 *Trademark Rep.* 833 (2003) (co-authored with Dale M. Cendali and Carol M. Matorin)
- “Red Flags & Iceberg Tips: Complying with Sarbanes-Oxley in a Multi-National Business,” *Business Crimes Bulletin* (June 2003) (co-authored with Ira H. Raphaelson and Alan M. Cohen)
- “Falling from Grace: How the Failed Prosecution of W.R. Grace Shows Why Rule 16 Needs Revision,” *Bloomberg Law Reports, Federal Practice*, Vol. 3, No. 49 (December 7, 2009) (co-authored with Carolyn Kubota, Robert Swerdlow and Justin Ford)
- “Money Laundering Indictment of Thai Government Official Underscores DOJ Efforts to Punish Recipients of Foreign Bribes and the Increasing Intersection Between Money Laundering and FCPA Charges,” O’Melveny & Myers Client Alert (February 17, 2010) (co-authored with R. Grime and K. Buchanan)

Speaking Engagements

- “Making Your Best Case: Strategy and Technique for Effective Courtroom Argument,” Los Angeles Lawyer Chapter of the American Constitution Society, 2010

Honors & Awards

- Recognized by *The Legal 500* in the “Corporate investigations and white-collar criminal defense” category (2017, 2019)

Languages

- Italian
- German
- French
- Russian