

MVP: Haynes And Boone's David Siegal

Law360, New York (December 14, 2017, 8:13 PM EST) -- David Siegal, co-chair of Haynes and Boone LLP's white collar practice, exposed a fatal flaw in Manhattan federal prosecutors' high-profile case against private equity executive Benjamin Wey this year, getting the charges dismissed and earning a spot among Law360's White Collar MVPs.

THE BIGGEST CHALLENGE OF HIS CAREER:

Wey's home had been searched in 2012, but it was three years later, in 2015, before Siegal's client was charged and arrested. Prosecutors in the Southern District of New York had accused Wey of hiding his stake in Chinese companies via reverse mergers and then manipulating their share prices.

"The moment when a client says to you across a pane of bulletproof glass, 'David, my life is in your hands,' that's the greatest challenge you could ever have as a lawyer," Siegal said.

In addition to going up against "the most powerful, most effective prosecutorial office in the country," Siegal noted that the case was incredibly complicated. After a multiyear investigation, prosecutors had dozens of witnesses and several terabytes of information in their files.

HIS BIGGEST ACCOMPLISHMENT THIS YEAR:

But once Wey was charged, Siegal said, the attorney and his team were able to compare the charges, which alleged a complex yet specific financial crime, with the search warrant, which seemingly allowed FBI agents to take just about anything and everything from Wey's office and home.

The defense team convinced U.S. District Judge Alison Nathan that the potential constitutional violation from an overbroad search was serious enough to merit a rare hearing where Siegal cross-examined five government witnesses, including three FBI agents and a former assistant U.S. attorney. Siegal's mission

The logo consists of the letters "MVP" in a blue, serif font. A red circle is drawn around the "V", and a red arrow points upwards from the top of the "V".

David Siegal
Haynes and Boone

at the hearing was to show the broad search was more than just a good-faith mistake.

“We had to show the judge that their good-faith argument simply didn't hold water,” Siegal said. “We did that through a combination of demonstrating that the agents were unable to reconcile the theory of the case they claimed they were investigating with either what the warrant said or what they actually seized.”

The seized evidence, which included photos of horses in open fields, pharmacy receipts, X-rays and a copies of a child's test scores, served as a “potent visual demonstrative,” Siegal said.

Judge Nathan ultimately sided with Wey in a decision that suppressed all of the evidence from the raids and included an important side note criticizing the government for trolling through digital evidence gathered years before based on new theories that weren't spelled out in a warrant.

Prosecutors dropped their case after the ruling, and the U.S. Securities and Exchange Commission did the same in a parallel civil suit.

WHY HE PRACTICES CRIMINAL LAW:

Siegal's fascination with criminal law and procedure dates back to his time at Stanford Law School.

“There's something compelling about issues of life and death and freedom. It's basic and core to what the United States is about and why I went to law school,” Siegal said.

Before joining his current firm, Siegal practiced at Cooley LLP predecessor Kronish Lieb Weiner & Hellman LLP and Paul Weiss Rifkind Wharton & Garrison LLP, in addition to a stint as a prosecutor reporting to then-U.S. Attorney Mary Jo White.

ON ALWAYS BEING TRIAL-READY:

Though the bulk of Siegal's work is for clients who are never charged or go to trial, he thinks about his work from a trial perspective every time.

The approach allows Siegal to get back into the prosecutorial mindset and dissuade the government from bringing a case by explaining its flaws. It also helps in preparing clients to speak to government attorneys, he said.

In the Wey case, Siegal said, it was important for the defense to show Judge Nathan that, in addition to the warrant concerns, Wey had a full defense planned.

“You have to think about your audience in terms of the whole case, not just the one issue you are presenting to the judge at the time,” Siegal said. “I think that a judge wants to understand they are not making a constitutional decision in a vacuum.”

— *As told to Jody Godoy*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2017 MVP winners after reviewing more than 1,000 submissions.

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