

Insights



David McGill Discusses DOJ's MLAT Controversy with the National Review

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Kobre & Kim's David McGill sat down with the National Review to discuss a motion filed against the Department of Justice requesting information related to their alleged abuse of mutual legal-assistance treaty (MLAT) requests aiming to extend the statute of limitations, when prosecutors had obtained the information from other means.

One of McGill's clients, accused of spoofing, fell victim to these alleged abuses. Previously, the government refused to share the request, claiming they were now relying on a new charge of wire fraud in order to extend the statute of limitations. McGill argues that even though prosecutors have pivoted to this new rationale, the initial reliance on the MLAT had caused harm to the defendants, causing a decisive witness to cooperate because he feared prosecution even when the underlying conduct should have been protected by the statute of limitations, as well as extending the case to such an extent that exculpatory data became irretrievable.

McGill argues that this case has broader implications the court should be interested in as well, namely the need to preserve the public's trust in the government. "If the fraud police are engaging in a fraud on the court in order to investigate other people for fraud, that's a real problem," McGill said.

[Read the full article here.](#)