



Steven G. Kobre

Lawyer

steven.kobre@kobrekim.com

Steven G. Kobre, co-founder of the firm, is an experienced litigator who has served as lead counsel in numerous government enforcement defense matters and high-value financial arbitrations and litigations. He has represented clients in front of government regulators including various departments of the U.S. Department of Justice (both the Antitrust and Criminal Divisions, including the Fraud Section and Health Care Fraud Unit), the U.S. Commodity Futures Trading Commission, the U.S. Securities and Exchange Commission, the New York County District Attorney's Office and the New York State Attorney General. Mr. Kobre focuses on complex civil litigation, particularly disputes among commercial entities, *Fortune 500* companies and other large institutions.

Mr. Kobre is repeatedly recognized in leading industry publications. *Chambers & Partners* acknowledged his experience in a range of white-collar investigation and civil litigation matters and clients praised him for being "unruffled under pressure," "brilliant at keeping the big picture in mind" and "really at the top of the field."

Before establishing Kobre & Kim, Mr. Kobre served as a prosecutor for the U.S. Department of Justice (as an Assistant U.S. Attorney in the Criminal Division of the U.S. Attorney's Office for the Southern District of New York). Prior to that, Mr. Kobre worked as an Assistant District Attorney in the New York County District Attorney's Office.

Admissions

- New York
- District of Columbia
- Registered Foreign Lawyer, England & Wales
- Registered Foreign Lawyer, Hong Kong
- Illinois
- Pennsylvania
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Columbia
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Western District of New York
- Dubai International Financial Center Courts

Education

KOBRE & KIM

- The George Washington University Law School, JD (*The George Washington Law Review*, Senior Notes Editor)
 - University of Pennsylvania, BA
-

Clerkships

- Honorable Lowell A. Reed, Jr., U.S. District Court for the Eastern District of Pennsylvania
 - Honorable Joyce Hens Green, U.S. District Court for the District of Columbia (Judicial Internship)
-

Accolades

Senior Fellow, Litigation Counsel of America
Transatlantic Legal Awards Litigation Team of the Year (Shortlist)
Chambers USA, Litigation: White-Collar Crime & Government Investigations (New York)
Chambers USA, Litigation: General Commercial (New York)
Litigation Daily, "Litigator of the Week"
New York Metro Super Lawyers
The Legal 500 United States, White-Collar Criminal Defense
Who's Who Legal, Asset Recovery
Who's Who Legal, Business Crime Defence "Thought Leader"
Who's Who Legal, Investigations
Lawdragon 500 Leading Lawyers in America
The Legal 500 United States, General Commercial Disputes
The Legal 500 United States, International Litigation

Select Engagements

Government Enforcement Defense

- Under the Puerto Rico Oversight, Management and Economic Stability Act of 2016 ("PROMESA"), service as independent investigator to the Special Investigation Committee of the Financial Oversight and Management Board for Puerto Rico to perform a comprehensive review of the factors contributing to Puerto Rico's fiscal crisis.
- Representation of a former managing director of a trading desk in an investigation by the U.S. Commodity Futures Trading Commission (CFTC), U.S. Securities and Exchange Commission (SEC), the U.S. Department of Justice (DOJ) and the Southern District of New York regarding ISDA fix price manipulation and alleged insider trading of interest rate swaps.
- Representation of an executive of an international financial institution in investigations being conducted by the SEC, CFTC and the DOJ into allegations of anti-competitive behavior related to derivatives products.
- Representation of a senior executive of a major automotive systems supplier in an antitrust investigation conducted by the DOJ and the European Commission.

KOBRE & KIM

- Representation of a Japanese executive in a DOJ Antitrust Division investigation of an alleged international cartel in the energy sector.
- Representation of a large public company located in Hong Kong in connection with an investigation by the DOJ Antitrust Division into alleged price-fixing in air cargo surcharges.
- Successfully convinced prosecutors and the CFTC not to bring charges against a commodities broker at a large international financial institution regarding allegations of commodities and ISDA fix manipulations.
- Representation of a former regional manager of a Swiss private bank concerning the DOJ Tax Division investigation of a bank's U.S. account holders in regard to allegations of conspiracy to commit tax evasion.
- Representation of a former executive at a multinational bank in responding to an investigation into possible manipulation of the London Interbank Offered Rate (LIBOR) by the DOJ and the CFTC. With Kobre & Kim's advice, the client avoided criminal charges leveled against a number of his immediate colleagues.
- Obtained acquittal in November 2014 on behalf of Raoul Weil, former head of UBS Wealth Management and the highest-ranking Swiss banker to stand trial in the U.S., against allegations he conspired with wealthy Americans to hide US \$20 billion in secret offshore accounts.
- Representation of an executive of a financial services company in responding to an enforcement inquiry being conducted by the Chicago Mercantile Exchange relating to Renminbi futures trades.
- Representation of a target in an investigation conducted by the U.S. Attorney's Office for the Southern District of New York in connection with alleged criminal conduct related to certain swap transactions.
- Representation of the vice president of an international financial institution in an internal investigation regarding the company's compliance with U.S. tax laws.
- Representation of U.S. citizens in their applications to the Internal Revenue Service (IRS) offshore voluntary disclosure program, as well as in interviews conducted by IRS Criminal Division agents, and prosecutors with the U.S. Attorney's Office for the Southern District of New York and the DOJ's Tax Division.
- Representation of a prominent hedge fund analyst charged with insider trading and securities fraud offenses in the Southern District of New York arising from the merger of two technology companies, as well as a related SEC civil enforcement action.
- Successfully convinced prosecutors and the CFTC not to bring charges against a commodities broker at a large international financial institution.

KOBRE & KIM

- Representation of the former chief financial officer of DHB Industries Inc., n/k/a Point Blank Solutions Inc., a body armor supplier, in securing a noncustodial sentence, having faced years in prison after pleading guilty in 2007 to her role in an alleged \$200 million fraudulent scheme to inflate company earnings and profits.
- Representation of a Hong Kong citizen in connection with an SEC investigation into alleged insider trading.
- Representation of former executive of Mizuho in connection with well-publicized investigation by the SEC relating to Delphinus CDO (collateralized debt obligation).
- Representation of an Asia-Pacific-based company in an investigation by U.S. Attorney Office for the Southern District of New York into potential anti-money laundering compliance issues.
- Representation of the CEO of a reverse-merged Chinese company in connection with an investigation being conducted by the SEC into allegations of fraud regarding certain filings made with the agency pursuant to their listing on the Nasdaq stock market.
- Representation of an executive of a pharmaceutical company in connection with investigations by the U.S. Attorney's Office for the Eastern District of New York, the Federal Bureau of Investigation, and the U.S. Department of Defense Office of Inspector General relating to various alleged violations of Medicare and Medicaid regulations and anti-kickback statutes.
- Representation of several employees of a global biopharmaceutical company in connection with an internal investigation into its marketing practices undertaken by the company in conjunction with investigations by the New York County, California, Florida and Massachusetts' Attorney Generals' offices into potential violations of the False Claims Act and anti-kickback statute.
- Representation of a Chinese national named as a defendant in an insider-trading case brought by the SEC.
- Convinced prosecutors not to charge a partner of a large law firm in allegations of insider trading by the DOJ and SEC.
- Representation of a corporate executive relating to claims of violations of the Foreign Corrupt Practices Act before the SEC and DOJ.
- Conducted asset forfeiture proceedings involving financial institutions and bank accounts in Europe, the Middle East and Africa, and related criminal investigations and prosecutions for money laundering and wire fraud.

Investigations & Monitorships

KOBRE & KIM

- Representation of a Swiss subsidiary of a multinational financial institution with operations in South America in bringing itself into compliance with Swiss/U.S. agreements focused on identifying U.S.-held assets located offshore.
- Member of team representing Fortune 500 company board of directors in conducting independent investigation in response to shareholder demand letters.
- Representation of the special committee of the board of directors of an art foundation conducting an internal investigation into alleged improprieties of management raised in a whistleblower letter.
- Representation of the special committee of the board of directors of a sports marketing company conducting an independent investigation in response to claims of wrongful conduct.
- Representation of the special committee of the board of directors of a major charitable organization in conducting an internal investigation into alleged wrongdoing by executives.
- Representation of a Fortune 500 financial institution in conducting an internal investigation into propriety trading and internal controls.
- Representation of a Fortune 500 company in conducting an internal investigation into auction-rate securities trading practices.
- Service as a government-appointed integrity monitor in the Hurricane Sandy reconstruction efforts in New York City.
- Conducted internal investigation of Wall Street investment bank, in response to inquiry of fixed income securities trading practices worldwide for possible violations of securities laws. Investigation involved review of more than 2 million documents and interviews of dozens of company employees. Advised company in subsequent investigation by the SEC and related self-regulatory organizations.
- Representation of a Fortune 500 company in an internal investigation into violations of the Federal Computer Fraud and Abuse Act.
- Service as a government-appointed integrity monitor of a company servicing New York City. This engagement involves the examination of the company's financial statements, contracts, personnel and ongoing activities to monitor compliance with local, state and federal criminal and civil laws.

Special Situations Disputes

- Representation of collateralized loan obligation funds managed by an international investment bank in connection with litigation arising from a dispute over loan default swap contracts in the U.S. District Court for the Southern District of New York.
- Representation of Fortune 500 financial institution in a dispute against JP Morgan Chase arising from the collapse of a US \$2 billion credit facility.

KOBRE & KIM

- Representation of a Financial Industry Regulatory Authority (FINRA) member firm in a successful multimillion-dollar arbitration involving various securities-related civil claims resulting in complete victory at hearing.
- Multiple representations of a FINRA member firm in successful arbitrations involving various securities-related civil claims resulting in complete victories at hearing.
- Representation of a government agency in evaluating claims filed before FINRA against various banks involving the issuance of auction-rate securities.
- Representation of a commercial bank in litigation against an investment bank in connection with a dispute over a US \$80 million repurchase agreement.
- Representation of a corporate client, with respect to potential claims against an investment bank arising out of losses sustained from investment in a cash-flow collateralized debt obligation.
- Representation of an institutional client in connection with a dispute of breaches of representations and warranties in pooling and servicing agreements (PSA) and mortgage loan purchase agreements (MLPA) in a securitization worth US \$1 billion+.
- Representation of Structured Credit Products group in a dispute filed in the Southern District of New York regarding collateralized debt obligations (CDO).
- Successful representation of a large multinational company in arbitration regarding a royalty dispute in which the amount in controversy was US \$100 million+.
- Representation of investment management company principal in a partnership dispute and derivative action alleging breach of fiduciary duty.
- Representation of the former chief financial officer of DHB Industries in multiple securities class and derivative actions in U.S. District Court for the Eastern District of New York alleging violations relating to accounting issues.

Joint Venture & Partnership Disputes

- Representation of a private equity institutional investor in litigation in the Cayman Islands and the New York courts against other investors relating to a contest for corporate control over joint investments in a utility in South America.
- Representation of a real estate development company in connection with an investigation by the New York State Attorney General's Office relating to joint investment ventures.

KOBRE & KIM

- Defense of a former major law firm name partner in arbitration brought by a former partner.
- Representation of a Cayman Islands limited partnership operating in China in exploring possible litigation options designed to prevent loss of corporate control under the terms of a complex financial transaction.
- Representation of a private equity firm relating to a liquidation in the Cayman Islands.

International Judgment Enforcement & Offshore Asset Recovery

- Representation of Chevron in the successful enforcement of an investment treaty arbitration award against the Republic of Ecuador for US \$100 million+ (with interest). Kobre & Kim's efforts in executing an enforcement strategy, including asset tracing, efforts to identify seizure targets and the service of numerous discovery requests, culminated in Ecuador's paying Chevron the entirety of the original award plus interest.
- Representation of ConocoPhillips in relation to the enforcement of International Centre for Settlement of Investment Disputes (ICSID) and International Chamber of Commerce (ICC) arbitration claims against the PDVSA and the Republic of Venezuela.
- Representation of a government in enforcement of US \$120 million+ judgment against debtors with assets structured in numerous offshore vehicles and shell companies throughout Europe, Asia and offshore jurisdictions.
- Conducted asset tracing and forfeiture proceedings involving money embezzled by an executive at a Swiss financial institution, and use of stolen funds to purchase and improve a large five-star hotel in the United States.

Insolvency & Debtor-Creditor Disputes

- Defense of an investment firm and its founder in a subsequent transfer action brought by the court-appointed trustee for the liquidation of Bernard L. Madoff Investment Securities LLC.
- Representation of a large foreign bank in a dispute against a Wall Street investment bank arising from the collapse of a US \$2 billion credit facility.
- Representation of a Fortune 500 company in a multimillion-dollar standby letter of credit dispute against a major commercial bank.
- Representation of Deutsche Bank in litigation in a multimillion-dollar dispute with an interdealer broker concerning trades in bankruptcy of "when-issued" stock.

Trusts & Estates Litigation

KOBRE & KIM

- Representation of the beneficiary and co-trustee of two trusts of a deceased prominent artist, in connection with dispute with co-trustees.
- Representation of the widow of Dr. Atkins (creator of the Atkins Diet), and beneficiary of an estate worth US \$600 million+ in contest against trustees relating to permissible use of corpus of funds in proceedings in Surrogate's Court of the State of New York and Florida state courts.
- Representation of trustee of a multimillion-dollar Florida-based trust in defending against allegations of violations of fiduciary duties.

Arbitrations

- Successful representation, in a major international arbitration, of a leading international flooring manufacturer headquartered in the U.S. against several Chinese counterparties. The arbitration was seated in Hong Kong and administered by the Hong Kong International Arbitration Centre (HKIAC) under the UNCITRAL Arbitration Rules, and related to disputes arising out of multiple contracts involving a range of applicable laws, including Hong Kong law and PRC law. In a final award, the arbitral tribunal awarded our client 100% of its claim for damages plus interest, legal fees, and costs and expenses.
- Representation of a large Chinese conglomerate in an International Chamber of Commerce (ICC) arbitration in Singapore arising out of an engineering, procurement and construction (EPC) contract for the construction of a power plant in Latin America, with US \$700 million+ invested in the project.
- Successful representation of a large multinational company in ICC arbitration regarding a royalty dispute in which the amount in controversy was US \$100 million+.
- Prevailed on all arbitrations tried on behalf of a large U.S. financial institution in matters throughout the United States.

Professional & Community Involvement

- American College of Trial Lawyers, New York-Downstate State Committee, Fellow and Member
- The Legal Aid Society, Board of Directors
- American Association for Justice, Member
- American Bar Association, Member
- New York City Bar Association, Member
- Federal Bar Council, Member
- International Bar Association, Member
- Institute for Transnational Arbitration, Advisory Board, Member
- National Institute for Trial Advocacy's Intensive Trial Advocacy Program, Faculty
- Trial Law Institute, Member

KOBRE & KIM

- Diversity Law Institute, Member

Publications & Presentations

- Co-author, "Cross-Border Criminal Investigations Just Became More Complicated" (The Recorder, September 2017)
- Speaker, "Planning the Orderly Succession of Firm Governance" and "Planning the Orderly Transition of Clients from Senior Partners to Other Members of the Firm" (New York State Bar Association Managing Partners Conference Series, New York, June 2017)
- Moderator, "Navigating the world of cross-border criminal, regulatory and civil investigations — the current state of affairs" (ALM Transatlantic General Counsel Summit, London, June 2017)
- Co-author, "Recent U.K. Decision Jeopardizes U.S. Privilege Assertions For Witness Interviews" (New York Law Journal, January 2017)
- Moderator, "An International Conundrum: Conducting an Internal Investigation on Behalf of a Multinational Organization" (New York Law Journal, Webinar, November 2014)
- Panelist, "Enforcement Trends in International FCPA Criminal Investigations and Best Practice in Representing Individuals and Corporate Targets" (New York Council of Defense Lawyers, New York, September 2011)
- Panelist, "An Interdisciplinary Approach to the Credit Crisis: The Overlap of Securities, Bankruptcy & Criminal Law" (New York City Bar Association, New York, July 2009)
- "The SEC's January 2006 Guidelines For the Imposition of Penalties", 20 Corporate Counsel Newsletter 3, Section of Litigation, American Bar Association (American Bar Association, Spring 2006)
- "Cooperating with the Investigators and its Impact on Employees", 21 Corporate Counsel Newsletter 1 (American Bar Association, Fall 2006)
- Lecturer on civil and criminal asset forfeiture issues in a seminar sponsored by the American Bar Association and the Association of the Bar of the City of New York, May 2007
- Annual lectures on international criminal law topics most recently in Japan and Korea
- Hedge Fund Activism (Hedge Fund General Counsel Summit, Connecticut, September 2007)

Mr. Kobre is described by clients as "really at the top of the field."
-Chambers