



Kenneth M Breen

Partner, Litigation Department

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Ken Breen is a partner in the Litigation Department of Paul Hastings and, having recently completed a 10-year term as Global Chair of the Investigations and White Collar Defense practice, is now Head of the New York White Collar Defense practice.

Mr. Breen focuses his practice on regulatory enforcement and white collar criminal defense, internal corporate investigations and compliance advice. Mr. Breen defends corporations and executives in high-stakes investigations and trials involving a myriad of issues including securities fraud, consumer protection issues, money laundering, and anti-corruption allegations. Many of these matters involve law enforcement and regulatory agencies from multiple jurisdictions and cross-border legal issues. Mr. Breen regularly represents clients before the U.S. Department of Justice, the Securities and Exchange Commission, and other U.S., foreign, and state financial regulatory agencies and state Attorneys General offices. He has also appeared regularly in court over the last three decades, having tried 48 cases to verdict and argued multiple appeals. Mr. Breen has been selected to represent top clients from a broad range of industries, sectors, and regions around the world.

Mr. Breen is consistently recognized as a leading white collar defense and government investigations lawyer by *Chambers USA, America's Leading Lawyers for Business*. *Chambers* notes that Mr. Breen's clients hold him in "high esteem" and praise his "very shrewd mind," "exceptional legal vision," and "ability to look across the full spectrum of white-collar issues." According to *Chambers*, he impresses clients as "a very strong advocate," "an extremely clear thinker," "very focused, incredibly direct and also really strategic," "dedicated, tireless and [someone who] can quickly and effectively understand legal issues and the business needs of his clients," and "phenomenal - [...] very good at his craft and [...] a great strategist." Clients also describe him as an "extraordinarily effective trial counsel" who "comes with the experience, gravitas and intellect" that lets the other side know that he will be "really prepared to try the matter."

New York

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Practice Areas

Privacy and Cybersecurity
Anti-corruption and FCPA
Securities Enforcement
Antitrust and Competition
Investment Management
Securities Litigation
Litigation
Investigations and White Collar Defense

Admissions

New York Bar

Education

Boston College Law School,
J.D. 1992

Boston College, B.A. 1989

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Prior to private practice, Mr. Breen served as a federal prosecutor in the U.S. Attorney's Office for the Eastern District of New York, where he was Deputy Chief of the Business and Securities Fraud Section; prior to that, in the U.S. Department of Justice Tax Division.

Recent Representations

- Represents public and private companies, real estate investment and development companies, and investment advisors in investigations by various U.S. Attorney's Offices, the DOJ, the SEC, the NY AG, and the NY Department of Financial Services.
- Represents multiple FinTech apps in investigations by the CFPB, NY Department of Financial Services, and other state regulators on issues involving online lending, interest rates categorized as "tips," monthly memberships at lending companies, and other consumer fees.
- Represented a Middle Eastern oil and gas company in large-scale and well-publicized FCPA investigations by the SEC and DOJ.
- Represented a prominent proprietary trading firm and registered broker-dealer in the SEC v. Galleon Management, LP, et al., No. 09 Civ. 8811 (S.D.N.Y.) and SEC v. Cutillo, et al., No. 09 Civ. 9208 (S.D.N.Y.) insider trading cases.
- Represented a major construction company in an EDNY U.S. Attorney's Office investigation of the company's billing practices, which was resolved by a deferred prosecution agreement.
- Represented the Swiss banking operations of a major international bank as Independent Examiner in connection with a DOJ Tax Division Program offering Non-Prosecution Agreements for Swiss banks.
- Represented a multinational Latin American conglomerate with U.S. operations in connection with an internal audit committee investigation relating to accrual accounting issues and whistleblower allegations.
- Represented an international financial services company in an investigation by the CFPB regarding its loan servicing platform and other technology services provided.
- Conducted internal investigations for a leading state university system regarding various issues and issued public reports.
- Represents and represented senior executives of leading international financial institutions and hedge funds in DOJ, SEC, CFTC, FCA, SFO, and Federal Reserve Bank investigations involving various issues.
- Defended David Gibson (former CFO of Wilmington Trust) in an accounting fraud trial in 2018, U.S. v. Wilmington Trust Corp., et al., 16-CR-23 (D. Del.)(RGA), and continues to represent Mr. Gibson in related proceedings.
- Defended Matt Connolly (former Deutsche Bank trading desk supervisor) in a

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LIBOR manipulation trial in 2018, U.S. v. Matthew Connolly, et al., 16-CR-00370 (SDNY)(CM), and continues to represent Mr. Connolly in related proceedings.

- Represented former New York City Police Commissioner Bernard Kerik in criminal cases in the Bronx and U.S. District Court for the SDNY.

Accolades and Recognitions

- Recognized by Chambers USA for Litigation: White Collar Crime & Government Investigations (2010-2020).
- Recognized by Legal 500 for Corporate Investigations & White Collar Criminal Defense.
- Selected to the National Law Journal's "Trailblazers" list recognizing the nation's leading attorneys in criminal law.
- Recognized as a "Legal Lion" by Law360 for securing a sentencing ruling without any period of incarceration in U.S. v. Connolly, et al. (S.D.N.Y.) (2019).
- Noted as trial counsel in U.S. v. Connolly, et al. (S.D.N.Y.), shortlisted by Global Investigations Review (GIR) as "Most Important Case of the Year" for its impact on future government investigations (2019).

Education

- Mr. Breen received his B.A. in English from Boston College in 1989, and his J.D. from the Boston College School of Law in 1992, where he was Annotation Editor and Staff Writer for the Uniform Commercial Code Reporter Digest.

Admissions

- Mr. Breen is a member of the New York bar and is admitted to practice in the U.S. District Court for the Southern and Eastern Districts of New York and the U.S. Court of Appeals for the Second and Third Circuits.

News

May 01, 2020

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2020

March 31, 2020

The National Law Journal Recognizes Kenneth Breen as a Criminal Law Trailblazer

May 01, 2019

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA

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2019

May 11, 2018

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA
2018

October 31, 2017

Paul Hastings Investigations and White Collar Defense Practice Named Most
Impressive Investigations Practice by Leading Industry Publication Global
Investigations Review

June 05, 2017

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA
2017

January 04, 2017

Paul Hastings Adds Former Assistant U.S. Attorney to Growing Investigations
and White Collar Defense Practice

July 11, 2016

Paul Hastings Continues White Collar Expansion with Addition of SEC
Enforcement Partners

June 08, 2016

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA
2016

May 20, 2015

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA
2015

February 17, 2015

Paul Hastings Investigations and White Collar Defense Practice Recognized as
a Law360 Practice Group of the Year

May 27, 2014

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA
2014

June 05, 2013

Paul Hastings Extensive Practice Strength Highlighted in The Legal 500 United

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States 2013

May 27, 2013

Paul Hastings Employment Practice Honored with Chambers "Award for Excellence" and Firms Leading Practices and Lawyers Ranked in Chambers USA 2013

June 07, 2012

Paul Hastings Excels in Chambers USA 2012 Guide

June 10, 2011

Paul Hastings Excels in Chambers USA 2011 Guide

June 14, 2010

Paul Hastings Garners Top Rankings in Chambers USA 2010 Guide

May 20, 2007

Paul Hastings Attorneys Recognized as Super Lawyers in Southern California, Connecticut, Georgia, New York, San Diego and Washington, D.C.

April 17, 2007

Former Assistant U.S. Attorney Ken Breen Joins Paul Hastings White Collar Practice Group in New York

Insights

August 19, 2020

SEC Issues New Alert on COVID-19 Risks and Considerations for Broker-Dealers and Investment Advisers

July 08, 2020

Seila Law Decision Likely Has Major Implications for CFPB Actions

July 06, 2020

SEC Issues Guidance for Private Fund Advisers

April 28, 2020

PH COVID-19 Client Alert Series: CARES Act Fraud Risks for Borrowers and Lenders

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April 27, 2020

PH COVID-19 Client Alert Series: Regulator and Prosecutor Focus on Price Gouging with COVID-19 Product Demand

April 03, 2020

PH COVID-19 Client Alert Series: Remote Technology Issues During COVID-19 Crisis Pose Heightened Insider Trading Risks

March 31, 2020

PH COVID-19 Client Alert Series: Novel Legal Issues Arise from U.S. Lawmakers' Potential "Insider" Trades Based on Information Regarding COVID-19 Threat

March 27, 2020

PH COVID-19 Client Alert Series: Review of Internal Controls Especially Important as the SEC Indicates Increased Scrutiny of Potential Insider Trading During COVID-19 Crisis

March 19, 2020

New York and California Are Leading States in Pushing for More State-Level Consumer Protection Actions

September 20, 2017

Second Circuit Decision Expands Insider Trading Liability

December 21, 2015

Hedge Fund Report: Summary of Key Developments - Fall 2015

September 14, 2015

DOJ's New Focus on Corporate Executives: The Practical Effects

June 01, 2015

Hedge Fund Report - Summary of Key Developments - Spring 2015

December 23, 2014

Hedge Fund Report—Summary of Key Developments—Fall 2014

June 20, 2014

SEC Files First Whistleblower Retaliation Enforcement Action

June 06, 2014

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The Second Circuit Vacates Citigroup Decision and Clarifies Standard of Review for SEC Consent Decrees

May 16, 2014

Hedge Fund Report - Summary of Key Developments - Spring 2014

January 07, 2014

Expect More SEC Scrutiny of Defense Attorney Conduct

October 09, 2013

Hedge Fund Report: Summary of Key Developments - Fall 2013

July 05, 2013

New SEC Initiatives Focus on Financial Reporting and Microcap Stock Trading

May 17, 2013

White Collar Enforcement

May 13, 2013

Federal Prosecutors and Regulators Probe Investment Funds' 10b5-1 Trading Plans

April 25, 2013

Hedge Fund Report - Summary of Key Developments - Spring 2013

March 11, 2013

US High Court Decision Will Hasten SEC Enforcement Actions

December 05, 2012

Hedge Fund Report - Summary of Key Developments - Fall 2012

May 04, 2011

China Matters: China Reverse Mergers Under Increasing Scrutiny from U.S. Regulators and Plaintiffs Lawyers

April 29, 2011

The U.S. Government's Recent Efforts to Ban Pharmaceutical Executives from the Industry Without Due Process

January 31, 2011

SEC Adopts First of ABS Disclosure Regulations

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December 20, 2010

Comments on the Whistleblower Program of the Dodd-Frank Act

October 29, 2010

Hedge Fund Report Summary of Key Developments Fall 2010

July 06, 2010

District Court Holds That Rule 10b-5 Insider Trading Provisions Apply to Credit Default Swap (CDS) Contracts

June 25, 2010

The Supreme Court Limits the Scope of the Federal Criminal Honest Services Fraud Statute to Conduct Involving Bribes or Kickbacks

June 25, 2010

Supreme Court Affirms Dismissal of F-Cubed Class Action and Holds That There is No Extraterritorial Application of Section 10(b)

May 06, 2010

SEC Scrutinizing Hedge Fund Side Pockets

July 30, 2009

Second Circuit Endorses SECs Expansive View of Insider Trading

May 06, 2009

What to do When the Government Knocks on Your Companys Door

May 05, 2009

Industry-Wide Investigation Announced Investigators to Examine Role of Placement Agents, Intermediaries and Middlemen in Public Pension Fund Investments

September 24, 2008

NYAG and SEC Announce Wide-Ranging Market Manipulation Probes; SEC Adopts New Rules to Combat Abusive Short Selling

September 04, 2008

Department of Justice Revises Its Policy for Criminally Charging Corporations As Appeals Court Criticizes Prior Practices

June 18, 2008

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Wide-Ranging Oil Industry Investigation Unveiled

November 15, 2007

Subprime Mortgage Meltdown: Issues and Implications

July 26, 2007

Subprime Lending Meltdown Part Three: Federal and State Investigations

Rankings & Awards

May 01, 2020

Recognized by Chambers USA 2020

March 02, 2020

Recognized as an NLJ Trailblazer in Criminal Law

October 24, 2019

Recognized in the Global Investigations Review's GIR 100 for 2019

April 26, 2019

Ranked by Chambers USA 2019

November 02, 2018

Recognized in the Global Investigations Review's GIR 100 for 2018

May 15, 2018

Recognized by Chambers USA 2018

October 27, 2017

Recognized in the Global Investigations Review's GIR 100 for 2017

October 26, 2017

Recognized as Global Investigations Review's Most Impressive Investigations Practice

June 05, 2017

Recognized by Chambers USA 2017

September 29, 2016

Recognized in the Global Investigations Review's GIR 100 for 2016

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June 08, 2016

Recognized by Chambers USA 2016

September 18, 2015

Recognized in the Global Investigations Review's GIR 100 for 2015