

White Collar Group Of The Year: Bracewell

By Jody Godoy

Law360 (February 1, 2019, 11:35 AM EST) -- All eyes were on Bracewell LLP in 2018 when the firm was tapped for the delicate job of deciding which documents prosecutors could use of those seized from President Donald Trump's longtime lawyer Michael Cohen, making the firm one of Law360's White Collar Groups of the Year.

In the months since, Cohen has pled guilty to various charges, including lying to Congress about the extent of his contacts with Russia and paying to keep two women's stories of affairs with Trump quiet during his campaign. But the world first learned that Cohen was facing charges in April, when he challenged prosecutors' right to documents and electronics the FBI had seized from his home and office.

The warrant case was contentious from the start, with Trump declaring "attorney client privilege is dead." Manhattan prosecutors were initially at loggerheads with Cohen's attorneys, who sought to make the call on what was protected. In normal cases involving claims of attorney-client privilege, a separate team of prosecutors would sift through the documents. Around two weeks after the raid, U.S. District Judge Kimba M. Wood decided the task called for a special master.

Cohen's side had offered partners at other prominent firms, while the government recommended three former magistrate judges. Judge Wood instead tapped Bracewell's Barbara Jones, who was a prosecutor before she served as a federal judge for nearly two decades and has been in private practice since 2013.

"She has all of the different points of view you would want to bring to these documents," Judge Wood said.

Jones said the biggest challenges were efficiency and keeping the information secure. She and her small team reviewed physical documents inside of what is referred to in national security parlance as a Sensitive Compartmented Information Facility, or SCIF, essentially a secured room meant to keep information in and prying eyes out. Digital files lived on a secure cloud server.

"The most important part of the entire mission was to do it not just with discretion, but in secrecy because nothing could get out, and to do it quickly," Jones said.



When it came to speed, Jones and her fellow partners Tom Kokalas and Dan Connolly put in long hours and weekends rather than add more attorneys, a move meant to ensure the documents stayed private and the review was done in a streamlined way. At one point, Connolly left a family vacation to come back and work on the review.

“That is how important it was to get it done quickly. It really was a team effort,” Jones said.

The Cohen case is not the only sensitive matter Jones handled in the past year. She is conducting an independent review of how the Catholic Archdiocese of New York handles abuse claims. Jones also serves on an independent panel tasked with reviewing the New York City Police Department’s disciplinary procedures.

While Jones’ practice involves behind-the-scenes investigations and oversight, partner Paul Shechtman spent a good chunk of 2018 in federal court on two corruption trials.

Shechtman defended Buffalo-based construction executive Louis Ciminelli against charges of working with state government insiders to rig the bidding process for public works projects upstate. In July 2018, when Ciminelli was convicted, Shechtman said it was the biggest disappointment of his professional life.

“Ciminelli is a case I still can’t believe we didn’t win,” Shechtman said, adding that he finds the evidence against Ciminelli to be thin. “It’s a tough time to try political corruption cases in New York. It was difficult to persuade the jury.”

However, U.S. District Judge Valerie Caproni granted Ciminelli bail pending appeal on what she called the “substantial issue” of prosecutors’ wire fraud theory. Ciminelli and his co-defendants have argued that prosecutors cannot prove they committed fraud by merely depriving a state-affiliated company of the right to control its funds when there was no evidence of economic harm.

Soon after the Ciminelli trial, Shechtman represented former Correction Officers' Benevolent Association President Norman Seabrook at a retrial on charges of taking bribes to invest millions from the union’s retirement fund in Platinum Partners. Seabrook was convicted and is scheduled to be sentenced in February.

Shechtman worked closely on both cases with Bracewell senior counsel Maggie Lynaugh, Jones’ former law clerk and said he tends to work on cases with only one other associate to control costs while providing hands-on representation.

“You can’t be a competent lawyer without somebody like Maggie, somebody senior who you trust completely and who sees things you don’t,” Shechtman said.

The core of Bracewell’s white collar practice traces its history back to the Manhattan District Attorney’s Office where Jones was a top deputy in the early 1990’s. She had worked with Shechtman as a federal prosecutor and enticed him to join the DA’s office, where they became good friends. Jones also pushed her young protege Connolly to leave the DA’s office and take a job working for then-New York City Mayor Rudy Giuliani.

When Giuliani joined Bracewell in 2005, Connolly came along and helped launch the firm’s New York office. After Giuliani left the firm in 2016, Jones and Shechtman left Zuckerman Spaeder LLP and rejoined their old colleague.

Around half of Bracewell's 13 white collar attorneys are based in New York. Other partners are based in Seattle, Austin, Houston and Washington, D.C., where the firm recently hired University of Virginia School of Law professor Stephen Braga to lead the practice group.

Jeff Vaden was a federal prosecutor for nearly 12 years before heading into private practice at Bracewell. Vaden's practice focuses on his clients' concerns in Houston, particularly health care fraud investigations and probes involving oil and gas firms. In 2018, Vaden represented two individuals in the sprawling Unaoil bribery case.

"We were able to help them navigate that process, prepare them and present them as witnesses," Vaden said. "The government concurred that that's what they were."

--Editing by Alyssa Miller.