

Brian Kidd

Partner

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bkidd@shertremonte.com

Education

University of California, Santa Cruz,
B.A.
Benjamin N. Cardozo School of Law,
J.D.

Admissions

New York
District of Columbia

Clerkships

Hon. Aida M. Delgado-Colón, U.S.
District Court, District of Puerto Rico



Brian Kidd is a partner in Sher Tremonte's Washington, D.C. office. Brian's practice focuses on solving clients' most difficult legal and regulatory challenges, often in the context of civil and criminal investigations and litigations.

Brian has represented public and private companies and their executives in complex government-facing probes, resulting in favorable resolutions and declinations. He also advises boards of directors and companies in connection with complex internal investigations and compliance reviews. Brian regularly counsels his clients through sensitive matters, corporate crises, litigation, and other disputes involving U.S. federal and state law enforcement and regulatory agencies including the Department of Justice (DOJ), Securities and Exchange Commission (SEC), Commodity Futures Trading Commission (CFTC), Department of Education, District Attorney's Offices, and state attorneys general, among others. Brian has first chaired over a dozen federal trials and is a member of the New York and Washington, D.C., bars.

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Before joining Sher Tremonte, Brian was a partner at a top-rated international law firm and served as the Chief of the Market Integrity and Major Frauds Unit of the Criminal Division's Fraud Section at DOJ. As Chief, Brian supervised a team of roughly 40 federal prosecutors and oversaw major fraud cases brought by the DOJ during his tenure, with a special focus on investigating and prosecuting complex securities, commodities, cryptocurrency, and other major corporate fraud cases. Brian also served as chair of DOJ's Securities and Commodities Fraud Working Group, where he worked closely with senior leaders at the SEC, CFTC, Federal Deposit Insurance Corporation, and the Federal Reserve.

Brian is a regular speaker on DOJ, SEC, and CFTC enforcement trends, cross-boarder investigations, cryptocurrency fraud, COVID-19 relief fraud, and compliance guidelines issued by U.S. regulators and law enforcement agencies.

Brian earned his J.D. magna cum laude from Benjamin N. Cardozo School of Law, where he served as the Editor-in-Chief of the Law Review, and his B.A. from the University of California at Santa Cruz. Brian is a three-time recipient of the Assistant Attorney General's Exceptional Service Award. Brian has been an adjunct professor at Georgetown University Law Center and the University of Puerto Rico School of Law.

Experience

Securities and Commodities Fraud:

- Representation of a start-up cryptocurrency company in proactive outreach to government agencies, including FinCEN.
- Representation of an executive of a major cryptocurrency exchange in a SEC and CFTC investigation into allegations of financial misconduct.
- Representation of an executive of a major broker-dealer in a DOJ and SEC investigation into allegations of financial misconduct by a former employer.
- Representation of a major cryptocurrency exchange in providing counsel on U.S. commodities laws.

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False Claims Act (FCA) and Misuse of Federal Funds:

- Representation of a private company in an FCA investigation involving allegations that the company improperly obtained PPP funds.
- Representation of a healthcare organization in an FCA matter involving kickback allegations.
- Representation of a large for-profit college in multiple investigations involving allegations that the company improperly received and used federal funds. Obtained a declination from DOJ in an FCA investigation.
- Representation of a large for-profit college in multiple civil suits claiming improper use of financial loan instruments.
- Representation of the board of a prominent advertising and marketing company in an investigation involving allegations that company insiders improperly obtained and used PPP funds. Obtained a declination from DOJ in a criminal investigation.
- Served as the internal reviewer in a post-merger, privileged investigation of a fintech company's conduct and business activities related to PPP loans to assess risk related to government and congressional investigations.
- Representation of a venture capital firm in reviewing a potential affiliate problem related to \$7+ million of SBA and PPP loan funds.

Other White Collar Defense and Compliance Matters

- Representation of an international professional services firm related to its work for opioid manufacturers, which involves complex, multidimensional work involving state attorneys general, DOJ, CPB, and congressional investigations, as well as more than 140 civil lawsuits.
- Representation of a national title insurance company in a criminal investigation being conducted by DOJ.
- Representation of an executive at a U.S. defense contractor in an investigation being led by the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives.
- Representation of a multinational technology company in conducting a risk assessment across the company's compliance program relating to anti-bribery and corruption, antitrust, anti-money laundering, data privacy and cybersecurity, sanctions, and export controls to recommend potential enhancements.
- Representation of a major broker-dealer in undertaking compliance risk assessments and providing related counseling.
- Representation of a former federal law enforcement officer in a House Oversight Committee investigation into allegations of misconduct.

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Government Service

- U.S. Department of Justice
 - Criminal Division, Fraud Section, Market Integrity and Major Frauds Unit, Chief, Assistant Chief, and Trial Attorney
 - Criminal Division, Fraud Section, DOJ's Securities and Commodities Fraud Working Group, Chair
 - Criminal Division, Public Integrity Section, Trial Attorney
- U.S. Attorney's Office for the District of Puerto Rico, Assistant U.S. Attorney

Recognitions

Recognized in District of Columbia White Collar Crime & Government Investigations – Chambers USA 2024

Recommended in Corporate Investigations and White Collar Criminal Defense – Legal 500 US 2024