



## O'MELVENY & MYERS LLP

### Dan Shallman

PARTNER



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**Dan Shallman** is a partner in the Los Angeles Office of O'Melveny & Myers and a member of the White Collar Defense and Corporate Investigations Practice. With over fifteen years of experience in State and Federal courtrooms, including over a dozen trials, Dan handles corporate internal investigations, white collar criminal defense, and high-stakes trials. His success in SEC and grand jury investigations, conducting internal investigations, and crisis management has made Dan a trusted advisor for elected officials, public and private companies, and senior corporate executives.

Before joining O'Melveny in 2007, Dan served for over seven years as an Assistant U.S. Attorney for the Central District of California in Los Angeles. Dan led sensitive grand jury investigations and prosecutions of public corruption, health care fraud, mortgage fraud, and defense contractor fraud.

After graduating from the University of Chicago Law School in 1995, Dan began his career as an associate at Gibson, Dunn & Crutcher in Los Angeles.

#### Illustrative Professional Experience

- **Confidential Congressional Investigations:** Dan serves as lead counsel for a Member of Congress in a Federal Grand Jury investigation and a Congressional Ethics inquiry. Dan successfully obtained a declination of criminal charges from the U.S. Attorney's Office. As a federal prosecutor, Dan initiated and led a sweeping grand jury investigation of Congressional "earmarks."
- **J.K. Rowling v. RDR Books:** Dan was trial counsel for *Harry Potter* author J.K. Rowling and Warner Bros. in a highly publicized **federal copyright trial** in the

Southern District of New York. Dan and the O'Melveny team obtained a permanent injunction against the defendant publisher for copyright infringement.

- **Shareholder Derivative Litigation:** Dan has extensive experience in shareholder derivative litigation, particularly in special litigation committee (SLC) investigations and executive compensation issues. He has served as independent counsel to an SLC, obtained the dismissal of a derivative action based on the recommendation of an SLC, and represented the CEO of a public company in a derivative action challenging his compensation package.
- **Foreign Corrupt Practices Act Investigations and Counseling:** Utilizing his extensive experience gained in investigating bribery and corruption as a federal prosecutor, Dan regularly counsels and trains clients on FCPA compliance and represents companies in DOJ investigations.
- **Criminal Antitrust Investigations:** Dan serves as company counsel for Asiana Airlines in an industry-wide DOJ price-fixing investigation and parallel civil class actions and helped secure a favorable resolution of criminal charges.
- **Stock Option Backdating Investigation:** Dan represented a senior executive of a public company in DOJ and SEC investigations into alleged stock option backdating. Dan's client obtained court ordered immunity from prosecution and the dismissal of all SEC charges.
- **Pension Fund "Pay-to-Play" Investigations:** Dan represents private equity funds in connection with government investigations of the use of placement agents to obtain public pension fund investments.
- **Mortgage Fraud Investigations:** At O'Melveny, Dan led an internal investigation for a major home builder into a "cash-out" mortgage-fraud scheme perpetrated by 3rd-party real estate brokers. He has also provided compliance counseling and training to company executives. As a prosecutor, Dan obtained several significant mortgage fraud convictions.
- **Health Care Fraud Investigations:** Dan represents senior executives of a pharmaceutical company in a DOJ investigation into alleged health care fraud. As a federal prosecutor, he investigated and prosecuted health care professionals for perpetrating a kick-back scheme to defraud Medicare.
- **False Claims Act/Defense Contractor Fraud:** Dan represented Lockheed Martin in a Qui Tam action brought by a former employee alleging falsified testing of the stealth coatings on the Joint Strike Fighter. At DOJ, Dan led a grand jury investigation of a defense contractor for alleged false claims regarding test data and prosecuted a significant fraud case against a defense contractor for supplying defective products to the government.
- **Public Corruption/Ethics:** Dan led a two-year grand jury investigation into political corruption in Southeast Los Angeles County resulting in a 39-count indictment against the former **Mayor of Lynwood** and three associates. Following a high-profile two-month trial, the jury returned **guilty verdicts** on all counts and the lead defendant received one of the **longest sentences** ever imposed against a public official for corruption in office (188 months).

#### Professional Activities

**Admitted to Practice**, U.S. District Court, Central District of California; U.S. Court of Appeals, Ninth Circuit  
**Speaker**, "Anti-Corruption under the FCPA & UK Bribery Act – How to Avoid Prosecution," International White Collar Crime Conference (2012); Panelist: National Institute on the Foreign Corrupt Practices Act Conference (2012); "Conducting Effective Cross-Examination," Bet Tzedek (2008); "Oral Arguments to Win," Bet Tzedek (2007); "Foreign Corrupt Practices Act: Staying Out of the Government's Crosshairs," Strafford Publications, Inc. (2007); "Direct

#### professional focus

White Collar Defense and Corporate Investigations  
Foreign Corrupt Practices Act  
Antitrust and Competition  
Business Trial and Litigation  
Korea  
US Antitrust and Competition  
Trade Secrets  
Health Care  
Litigation  
United States

#### education

University of Chicago, J.D., 1995

University of Illinois, B.S.,  
Economics, 1992

#### admitted

California

#### publications

**New Incentives for Corporations to Maintain Effective Compliance and Ethics Programs** (White Collar Defense and Corporate Investigations Alert)

**DOJ Creates Thirty-Five New Positions to Combat Intellectual Property Crime** (Trade Secrets and IP Criminal Enforcement Alert)

Examination and Witness Preparation," Bet Tzedek (2007); Keynote Address: "Federal Prosecution of State and Local Corruption," Independent Cities Association Annual Conference (2006)

**Community Service**, Member, Los Angeles City Attorney's Transition Team (2009); Co-Chair and Founder of EMET, the Young Lawyers Division, Jewish Federation of Greater Los Angeles (2007-08); Chair (2011) and Vice-Chair (2009-10) of the Legal Division of the Jewish Federation of Greater Los Angeles; Co-Chair, Geller Leadership Project, Jewish Federation of Greater Los Angeles (2006)

**Awards**, Recognized as a California "Super Lawyer" in a survey conducted by Law & Politics Media Inc.; U.S. Department of Justice "Director's Award" (2006); numerous commendations from the FBI, IRS, DEA, DCIS, and USPS.