

Gabriel Colwell

Partner

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About Gabriel

A member of the firm's Global Board, Gabriel Colwell is a trial lawyer who focuses his practice on white collar criminal defense, internal investigations and complex business litigation. Gabriel represents corporations and individuals at all phases of government investigations and prosecutions, including matters involving the Foreign Corrupt Practices Act (FCPA), securities fraud, economic sanctions, money laundering, fraud and various corporate compliance matters. Gabriel also represents clients in class actions and business litigation disputes. He has been recognized as a Rising Star by *Southern California Super Lawyers*, and as one of *The National Trial Lawyers (NTL) Criminal Defense - Top 100*.

Prior to joining the firm, Gabriel served as a federal prosecutor in the US Army JAG Corps and as a Special Assistant US Attorney in the US Attorney's Office for the District of Hawaii. While at the US Attorney's Office, Gabriel directed investigations by the FBI, DEA, ATF, ICE, Defense Criminal Investigative Service and the Major Procurement Fraud Unit of the Army Criminal Investigation Division to successfully prosecute fraud, money laundering and various other criminal offenses. Gabriel also assisted in the prosecution of the first death penalty case in the history of Hawaii.

Gabriel's service in the JAG Corps also included a year-long deployment to Afghanistan where he led and advised numerous criminal investigations. He also provided legal advice on US reconstruction contracts and various aspects of international and operational law. For his service in Afghanistan, Gabriel was awarded the Bronze Star.

Experience

Government Investigations and White Collar Defense

- Serving on the FCPA Compliance Monitor team for multinational corporation in the oil and gas industry in connection with a Deferred Prosecution Agreement (DPA) and settlement with the US Department of Justice (DOJ) and US Securities and Exchange Commission (SEC) and conducting independent compliance reviews of the company's operations in Africa and Asia.
- Defending a technology company executive charged by DOJ with over US\$200 million of securities fraud, and leveraging procedural arguments to obtain a plea agreement to a lesser charge resulting in a sentence of only time served (69 days).

- Convincing the SEC to voluntarily dismiss with prejudice the complaint against a China-based client for insider trading.
- Obtaining a complete dismissal of civil RICO claims seeking US\$125 million in damages on behalf of an India-based television network and its multibillionaire owner.
- Conducting investigations for numerous international banks in response to multiagency inquiries concerning alleged BSA/AML and OFAC sanctions violations.
- Successfully defending the US subsidiary of a Korea-based publicly traded company and its Chairman in response to a multijurisdictional investigation by the DOJ and Internal Revenue Service (IRS).
- Representing technology company in response to DOJ Antitrust investigation and securing declination to prosecute.
- Representing directors and officers in response to a securities fraud investigation and obtaining no adverse action where the company was charged.
- Representing the Audit Committee of a China-based US public company and performing an independent investigation concerning the FCPA and financial disclosures to the SEC.
- Representing a technology company in response to a California DOJ criminal investigation concerning disclosure of alleged personal data and securing declination to prosecute.
- Representing various companies in response to Consumer Financial Protection Bureau (CFPB) enforcement actions securing favorable settlements.
- Representing a leading private jet company in response to DOJ asset forfeiture action.
- Representing multiple banks and corporate clients in response to cyberfraud and cyber “hacking” incidents.
- Representing an aerospace company in response to a cyberfraud incident including referral to relevant foreign criminal authorities and freezing stolen funds by obtaining a court order.
- Conducting an investigation for an NYSE-listed company concerning potential data falsification issues in China.
- Conducting an investigation on behalf of an NYSE-listed company in response to whistleblower allegations at its Russia-based subsidiary concerning the FCPA, UK Bribery Act and local tax laws.
- Representing an oil and gas development company in response to securities fraud investigations by the DOJ and SEC and responding to related investor litigation.
- Representing the Audit Committee of a Netherlands-based public company and conducting an investigation concerning potential violations of US Customs laws.
- Conducting an investigation into the US subsidiary of a publicly traded Japanese conglomerate concerning potential data falsification issues.
- Compelling the DOJ through FOIA lawsuit to turn over exculpatory Mutual Legal Assistance Treaty (MLAT) request and evidence to chairman of Asia-based steel conglomerate.
- Conducting an investigation for an NYSE-listed company concerning potential FCPA violations at locations in Mexico.
- Representing a securities education company in response to investigations concerning alleged violations of the Investment Advisers Act, telemarketing and tax laws and resolving investigations with no penalties imposed.
- Conducting anticorruption, AML and sanctions compliance reviews, risk assessments and due diligence inquiries for numerous Fortune 500 companies.

Litigation/Dispute Resolution

- Prevailing in the appeal of a trial court order dismissing a US\$2 billion attorney malpractice suit under the California anti-SLAPP statute and then proceeding to successfully resolve the action.
- As lead trial counsel, obtaining a US\$14.7 million judgment in favor of a Switzerland-based trade financier, including payment of all attorneys' fees.
- As trial counsel, representing one of the world's largest banks in foreclosure and consumer fraud litigations.
- As lead trial counsel, representing an oil and gas development company in litigation and arbitration proceedings.
- As lead trial counsel obtaining defense verdict on a US\$50 million real estate dispute.
- Successfully representing technology company in putative consumer class action and securing early dismissal with prejudice.
- Representing the US subsidiary of a Japanese publicly traded company in an internal investigation identifying the theft of millions of dollars by the CFO and accounting manager, and recovering the stolen funds through expedited litigation.
- Representing an airsoft manufacturer in a licensing and stock purchase agreement dispute with a Swiss firearms manufacturer.
- Representing a film production company in a copyright infringement and licensing disputes.
- Representing a leading Japan-based animation company in a licensing dispute concerning a well-known media property.
- Providing advice regarding trademark and trade dress infringement disputes to Japan based probiotic beverage manufacturer.
- Representing a franchisee in breach of contract and trademark licensing dispute with franchisor.
- Representing a Korea-based steel manufacturer in an international arbitration against its primary US broker for breach of contract.
- Obtaining specific performance of a commercial lease agreement and payment of all damages including lawyers' fees for a shopping mall against a regional restaurant chain.
- Assisting in a successful appeal to the California Supreme Court upholding an international arbitration award.

Cannabis, Hemp and CBD

- Representing a real estate development company in an investment dispute concerning state-of-the-art cannabis cultivation and manufacturing project.
- Advising an NYSE-listed chemicals company regarding state and federal law concerning cannabis, hemp and CBD.
- Advising an NYSE-listed manufacturing company regarding cannabis, hemp and CBD licenses and regulations.
- Representing a California-licensed medical cannabis company in response to a criminal inquiry and civil RICO and related litigation.
- Representing an investor in dispute with an industrial hemp cultivator concerning "hot hemp" and related testing issues.
- Advising an international reinsurer regarding state and federal cannabis laws.
- Advising an financial institution and financial services company regarding state and federal cannabis laws.

- Advising an investor group concerning transfer of California cannabis licenses and disclosure obligations to the Bureau of Cannabis Control, California Department of Food and Agriculture, and California Department of Public Health.
- Advising clients on various licenses and license applications to the California Bureau of Cannabis Control.

Credentials

Education

- University of Southern California, J.D., 2001
- The Johns Hopkins University, B.A., 1998

Admissions

- District of Columbia, 2012
- California, 2001

Courts

- U.S. Dist. Ct., C. Dist. of California
- U.S. Dist. Ct., S. Dist. of California
- U.S. Dist. Ct., N. Dist. of California
- U.S. Dist. Ct., Dist. of Colorado
- U.S. Ct. of App., Ninth Circuit
- U.S. Ct. of App., D.C. Circuit

Recognitions

- Recognized as one of The *National Trial Lawyers* (NTL) Criminal Defense - Top 100
- Selected as a Southern California Rising Star by *Super Lawyers*, 2009-2011 and 2013-2016.

Expertise

Services

- Litigation
- Public Policy
- International Dispute Resolution
- Data Privacy, Cybersecurity & Digital Assets
- Government Investigations & White Collar

Publications & Speaking Engagements

- Panelist, "Reinsurance for Cannabis Related Business: Business Risk or Opportunity?" AIDA Reinsurance and Insurance Arbitration Society (ARIAS) US Spring Conference, Palm Beach, Florida, May 8, 2019.
- Panelist, "The Life Cycle of Risk: Assessing, Managing, Advising and Maintaining Privilege," Annual Global Compliance Forum, Cleveland, Ohio, October 19, 2018.
- Panelist, "BSA/AML & Compliance Issues," International Bankers Association of California, Los Angeles, California, December 6, 2017.

- Panelist, "Socrates in the Boardroom," Society of Corporate Compliance and Ethics, Scottsdale, AZ, November 6, 2017.
- Speaker, "Responding to Government Investigations: What to Do When the Government Knocks," Association of Corporate Counsel, Southern California Chapter, September 21 and 22, 2016.
- Panelist, "How China-Based Companies Meet the Challenges of US Capital Markets Regulation," US Capital Markets: Insights for Chinese Companies Seminar, UC Irvine School of Law, May 18, 2016.

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.