



Jonathan S Abernethy
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Practice Areas

Litigation and Arbitration, Commercial Litigation, Securities Litigation, Arbitration and Mediation, FCPA/Anti-Corruption, Internal Investigations, Regulatory Enforcement, Criminal Defense, White Collar Defense and Regulation

Education

Columbia Law School (J.D. 1996);
Stanford University (B.A., with highest honors, 1991)

Bar Admissions

New York State; Massachusetts State;
U.S. District Courts for the Southern and Eastern Districts of New York; U.S. Court of Appeals for the Second Circuit

Jonathan S. Abernethy represents clients in white collar criminal and regulatory investigations, internal investigations, and complex commercial litigation. He has handled significant matters involving the Foreign Corrupt Practices Act (FCPA), both in the private sector and as a federal prosecutor.

Jon also represents companies and individuals in investigations and prosecutions involving securities fraud, money laundering, wire and mail fraud, public corruption, antitrust, commodities fraud, health care fraud, and other white collar matters. He has extensive experience with various U.S. Attorney's Offices, the Department of Justice, the SEC, the CFTC, the New York Attorney General's Office, and the Manhattan D.A.'s Office.

Jon has been recognized in *Chambers USA's* white collar crime and government investigations category each year since 2015. Clients describe Jon as a "zealous advocate," "an excellent and devoted lawyer who puts his all into his cases and gets excellent results," and a "personable, engaging, and tough lawyer" who "has a great approach with clients." He has also been described as having "excellent judgment" and "a really nice mix of individual and corporate experience which allows him to be really flexible depending on the engagement." In addition, Jon is recognized in *The Legal 500's United States* coverage for corporate investigations and white collar criminal defense, as well as securities litigation, and has been described as "very sharp" and a "top-tier advocate." Jon is recognized by *Super Lawyers* as one of the top 100 lawyers in the New York metropolitan area and has been named one of New York's *Super Lawyers* for white collar criminal defense each year since 2010. He has been recognized in the *Best Lawyers in America's* guide since 2021 for white collar criminal defense in New York.

Prior to joining the firm, Jon served as an Assistant U.S. Attorney in the Southern District of New York, where he was a lead prosecutor on FCPA, money laundering, and financial fraud cases, and practiced at Fulbright & Jaworski.

Jon is a graduate of Stanford University and Columbia Law School, where he was a Harlan Fiske Stone Scholar. He served as a Law Clerk to the Honorable Ronald L. Buckwalter of the U.S. District Court for the Eastern District of Pennsylvania. Jon is a frequent lecturer and has written articles for the *New York Law Journal*, the *ABA Securities Litigation Journal*, and other publications.

FCPA Matters

Won a motion to dismiss an FCPA complaint brought by the SEC against a former investment analyst for hedge fund Och-Ziff who had been charged with FCPA anti-bribery and books and records violations relating to mining investments by Och-Ziff in Africa.

Represented two energy companies in FCPA investigations relating to their operations in several countries in West Africa.

Represented an engineering and construction company in an investigation relating to potential FCPA violations in the Middle East.

Led FCPA and anti-corruption due diligence for an energy company on an acquisition target in Mexico.

Led FCPA and anti-corruption due diligence for a mining company on an acquisition target in West Africa.

Other White Collar, Regulatory, and Internal Investigations Matters

Representation of former Wynnefield Capital hedge fund analyst Peter Black in *SEC v. Obus*, an insider trading case brought by the SEC in the Southern District of New York, in which the jury returned a unanimous defense verdict after a two-week trial.

Representation of an individual in connection with criminal and regulatory investigations into the setting of LIBOR rates.

Representation of the audit committee of a multinational company in connection with an internal investigation relating to revenue recognition.

Representation of a hedge fund in an investigation by the New York County District Attorney's Office into its trading practices.

Served as pool counsel for several employees in wire and mail fraud investigations by the U.S. Attorney's Offices for the Southern and Eastern Districts of New York.

Represented a celebrity extortion victim in a case prosecuted by the Manhattan District Attorney's Office.

Significant Prosecution in the U.S. Attorney's Office

Served as a lead prosecutor in an FCPA case involving a bribery scheme in connection with a state-run privatization program in Azerbaijan, which resulted in the conviction of Frederic Bourke in July 2009 in one of the few FCPA cases ever tried.

Activities and Affiliations

Member, Criminal Law Committee, International Bar Association

Member, New York City Bar Association, White Collar Crime Committee

Member, New York Council of Defense Lawyers

Elder, First Presbyterian Church of Brooklyn