



Brian T. Markley

PARTNER

bmarkley@cahill.com

212.701.3230 Phone

Cahill Gordon & Reindel LLP

32 Old Slip

New York, NY 10005

Brian T. Markley represents companies, boards of directors and special committees in connection with civil litigation and internal investigations and inquiries by the DOJ, SEC and other governmental agencies and self-regulatory organizations. He frequently investigates potential violations of the Foreign Corrupt Practices Act ("FCPA") and other anti-bribery and anti-corruption laws in countries around the world, as well as allegations of accounting fraud, earnings management, workplace harassment and other misconduct.

In addition, Brian represents financial institutions in connection with regulatory investigations, examinations, enforcement actions, litigations and internal investigations involving residential mortgage-backed securities, collateralized debt obligations, credit default swaps and other complex financial products, as well as general commercial and securities litigation.

Brian also advises companies in connection with FCPA diligence for mergers, acquisitions and other investments in jurisdictions with high corruption risk and works with clients to implement effective post-acquisition compliance programs.

Brian has been recognized as a Future Star by *Benchmark Litigation* 2018 and was named to Global Investigations Review's "40 under 40" list of the world's leading investigations lawyers in 2014. He began his legal career at Cahill in 2000 and was elected partner in 2009. Today, he serves as Cahill's Co-Administrative partner and Co-Chair of the Ethics Committee.

SELECTED MATTERS

- Representing one of the world's largest asset management firms and its portfolio companies in connection with internal compliance investigations, M&A diligence, development of policies and employee training programs, and other regulatory matters, including FCPA and trade sanctions compliance.
- Representing the Audit Committee of Wal-Mart Stores in an FCPA investigation relating to activities in Brazil, China, India and Mexico.
- Counsel to the Audit Committee of Qualcomm in an investigation by the DOJ and SEC, and a related internal investigation, into the company's FCPA compliance.
- Counsel to the Audit Committee of Diageo in connection with an internal investigation and an SEC enforcement action concerning the company's FCPA compliance.
- Counsel to the Monitor for Toyota Motor Corporation in connection with a Deferred Prosecution Agreement entered into with the United States Attorney's Office for the Southern District of New York.
- Representing multiple companies in the oil service and equipment industry in connection with investigations in Asia and Latin America.
- Prevailed in 2018 on behalf of officers and directors of S&P Global and its then-parent company in two derivative suits brought by shareholders alleging breaches of fiduciary duty and other claims relating to S&P's credit ratings practices.

-
- Counsel to S&P Global in connection with other litigation as well as investigations, regulatory examinations and testimony before U.S. Senate and House committees.
 - Counsel to one of the nation's largest telecommunications companies in numerous disputes related to affiliation and retransmission agreements.
 - Prevailed in AAA arbitration concerning a dispute over interpretation of a Purchase Agreement earn-out provision, securing an award of attorneys' fees from the petitioner.
 - Represented financial services company against wrongful termination and other claims before a FINRA arbitration panel.
 - Oversaw compliance and governance reforms at Biomet as part of a Monitorship required by a Deferred Prosecution Agreement with the United States Attorney's Office for the District of New Jersey.
 - Represented journalists Judith Miller and Matthew Cooper in connection with the federal government's efforts to compel disclosure of their confidential sources in a criminal investigation into the leak of a CIA agent's identity.
 - Defended the Columbia Journalism Review against a libel claim arising out of an article concerning an alleged American mercenary imprisoned in Afghanistan.
 - Represented *The New York Times* in connection with grand jury subpoenas seeking to compel disclosure of its reporters' telephone records in a federal grand jury investigation.
 - Represented six major media companies in numerous First Amendment challenges to restrictions on newsgathering activities at polling places during primaries and general elections.

Education

Rutgers University, B.A., 1997

New York University School of Law, J.D., 2000

Practices

Corporate Governance & Investigations

Commercial Litigation

Securities Litigation & White Collar Defense

Crisis Advisory

First Amendment & Media Litigation

Corporate Social Responsibility and Supply Chain Compliance

Admission

New York