



## Brian T. Markley

PARTNER

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**Brian Markley, Chair of Cahill's Anticorruption & FCPA practice group, represents companies, boards of directors and special committees in connection with internal investigations and inquiries by the DOJ, SEC and other governmental agencies, covering allegations of bribery, corruption, money laundering, and sanctions violations, as well as allegations of accounting fraud, earnings management, workplace harassment and other misconduct.**

Brian has led FCPA diligence on hundreds of mergers, acquisitions and other investments in jurisdictions with high corruption risk, and regularly works with clients to design and implement effective post-acquisition policies, procedures, and controls.

Brian has been recognized as a leading FCPA lawyer by *Chambers USA*. In speaking with *Chambers*, sources remarked, "he is a thoughtful, disciplined, strategic lawyer who brings an extraordinary breadth of knowledge to the matters he works on," and praised Brian's "anticorruption vision that is out of this world," noting, "he evaluates all of our risks and provides precise advice." Clients quoted in *Chambers USA* went on to say that he is "very prompt, smart and well-versed," "solutions oriented and great to work with," and "an expert in his area." Brian is a *Legal 500* recommended lawyer in the Corporate Investigations & White Collar Defense and Corporate Governance areas, was named a Litigation Star by *Benchmark Litigation* and was named to *Global Investigations Review's* "40 under 40" list of the world's leading investigations lawyers in 2014. He is also listed in *Lawdragon's* 500 Leading Litigators in America guide. In 2022 and 2023, Brian co-authored a chapter for the Anti Money Laundering guide by *International Comparative Legal Guides* (ICLG).

**"Brian's command of the subject matter is encyclopedic and his awareness of how industry peers approach similar matters is instructive." – *Chambers USA***

In addition to his investigations and diligence practice, Brian handles a broad docket of commercial litigation, including breach of contract actions arising out of failed acquisitions, earn-out disputes, and EEOC and other employment actions.

Brian began his legal career at Cahill in 2000 and currently serves as the firm's Co-Operating partner, Chair of the Business Development Committee and Co-Chair of the Ethics Committee.

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### 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.
- Counsel to S&P Global in connection with investigations, internal compliance, litigation, regulatory examinations and testimony before U.S. Senate and House committees.
- Represented StraightPath Venture Partners and relevant individuals in connection with DOJ and SEC investigations of alleged \$400M securities fraud and related civil enforcement action.

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- Represented 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 Falcon Strategic Partners in \$120M breach of contract and fraud action in New York Supreme Court relating to its sale of portfolio company, Triad Digital Media.
  - Represented multiple global 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 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.

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## Education

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

Rutgers University, B.A., 1997

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## Practices

Anticorruption & FCPA

Commercial Litigation

Corporate Governance & Compliance Advisory

Environmental, Social and Governance (ESG)

Digital Assets and Emerging Technology

Securities Litigation, Regulation & Enforcement

White Collar Defense & Investigations

Project Finance, Energy & Infrastructure

International Trade & Investments

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## Admission

New York