



David C. Rybicki

Partner

Washington DC
+1.202.778.9370

David.Rybicki@klgates.com

OVERVIEW

David Rybicki is a partner in the firm's Washington, D.C. office. He is a member of the investigations, enforcement, and white collar practice group.

David recently served in the Criminal Division of the U. S. Department of Justice in Washington, D.C., as Acting Principal Deputy Assistant Attorney General (2017) and Deputy Assistant Attorney General (2017-2020), the second- and third-highest ranking positions in the division. In these roles, David led the investigation, prosecution, and coordination of nationally significant matters and initiatives involving corporate fraud, the Bank Secrecy Act, the Foreign Corrupt Practices Act (FCPA), cybercrime and cryptocurrencies, OFAC sanctions enforcement, transnational organized crime, healthcare fraud, consumer fraud, immigration fraud, civil and criminal RICO, public corruption, human rights, labor racketeering, and gaming law.

Prior to joining the Criminal Division, David served as Counselor to the Attorney General and worked on the Justice Department's top criminal enforcement initiatives. This work included revision of the Department's corporate enforcement policies, extension of the FCPA Pilot Program, "Going Dark" and other significant cybersecurity policy matters, Mutual Legal Assistance Treaties, marijuana enforcement and regulatory policy, and creation of the Department's new civil asset forfeiture policies and regulatory guidelines.

In 2018, David was appointed to serve as an *ex officio* member of the United States Sentencing Commission, where he represented the Justice Department with respect to all aspects of federal sentencing law and policy, including amendments to the Federal Sentencing Guidelines for corporate fraud and other white collar crimes.

PROFESSIONAL BACKGROUND

Earlier in his career, David served in the Justice Department for nearly six years as an Assistant United States Attorney (AUSA) in Washington, D.C. As an AUSA, David conducted grand jury investigations, prosecuted criminal trial matters, and argued appeals involving drug trafficking, firearms, bank fraud, wire fraud, mortgage fraud, embezzlement, fraud against the federal and District of Columbia governments, aggravated identity theft, and commercial piracy. David also defended federal agencies and officials in civil litigation involving administrative, constitutional, and regulatory law, tort claims, and employment discrimination. He has first-chaired dozens of jury and bench trials and argued frequently before the United States Court of Appeals for the D.C.

Circuit and the D.C. Court of Appeals. In recognition of his superior interagency work, in 2012 David received the IRS Office of Chief Counsel's Mitchell Rogovin National Outstanding Support Award, the agency's highest honor for excellence in civil litigation.

David has also worked in several senior roles on the United States Senate Judiciary Committee. As a chief counsel and as counsel to the Chairman, he served as a senior legal, policy, and legislative advisor on matters involving cybersecurity, data encryption and privacy, intellectual property, bankruptcy restructuring, and criminal justice reform. He also advised on oversight and investigation of the Department of Justice, Department of Homeland Security, and United States Citizenship and Immigration Services regarding national security, immigration, whistleblower claims, and other consequential public policy matters.

David is a frequent speaker and panelist on issues pertaining to corporate compliance programs, anti-money laundering, healthcare fraud, and the Federal Sentencing Guidelines. He was previously a member of the American Bar Association's Criminal Justice Section Council and White Collar Dialogue Group, and is currently a member of the Edward Bennett Williams Inn of Court, an invitation-only professional organization specializing in white collar practice.

David served as law clerk to the Honorable Edith H. Jones of the U.S. Court of Appeals for the Fifth Circuit in Houston. He is a graduate of Stanford Law School, where he served as Executive Editor of the Stanford Law Review. He holds an M.Phil. from Cambridge University, where he was a Gates Cambridge Trust Scholar, and a B.A., magna cum laude, from Yale College.

PROFESSIONAL / CIVIC ACTIVITIES

- United States Sentencing Commission, Ex Officio Member (2018-2020)
- American Bar Association Criminal Justice Section Council, Member (2017-2020)
- Edward Bennett Williams Inn of Court, Barrister

SPEAKING ENGAGEMENTS

- Panelist, COVID-19 Government Enforcement Trends & Developments, Medtrade West (2021)
- Featured Speaker, FCPA Enforcement Trends in the Biden Administration: 2021 and Beyond, American Chamber of Commerce (Bangkok, Thailand) (2021)
- Panelist, Managing Design & Construction Risk in the COVID-19 Environment, 7th Annual California Construction Seminar (2021)
- Panelist, Mitigating False Claims Violations: Cooperation Credits One Year Later, 8th Annual Advanced Forum on False Claims and Qui Tam Enforcement (2021)
- Panelist, Emerging National Security Considerations for AMCs and Research Universities: Foreign Influence Oversight and Enforcement Trends, K&L Gates Webinar (2021)
- Featured Speaker, 2021 Federal Enforcement & Regulatory Preview, Pearson Partners International (2021)

- Panelist, An Overview of Aviation Industry Stimulus in the Americas, K&L Gates Webinar (2021)
- Panelist, *Global Investigations Review* Interactive Regional Spotlight: North America (2020)
- Featured Speaker, Federalist Society Litigation Practice Group, Courthouse Steps Oral Argument Teleforum: *Nestlé USA, Inc. v. Doe I* (2020)
- Panelist, Protecting the Integrity of the Financial System, American Bankers Association & American Bar Association Financial Crimes Enforcement Conference Virtual Event (2020)
- Panelist, Medtrade 2020 Virtual Conference, COVID-19 Government Enforcement Update (2020)
- Moderator, K&L Gates COVID-19 Health Care Fraud Virtual Town Hall (2020)
- Panelist, Association of Corporate Counsel (Houston), The Basics for Companies Responding to a Government Investigation (2020)
- Panelist, COVID-19: PPP Forgiveness: What You Should Know About the Application and Instructions, K&L Gates Webinar (2020)
- Panelist, COVID-19: Virtual Town Hall on PPP Eligibility and Risks for Nonprofit Organizations, K&L Gates Webinar (2020)
- Panelist, COVID-19: Virtual Town Hall on PPP Eligibility and Risks, One Last Look Before the Safe Harbor Expires, K&L Gates Webinar (2020)
- Featured Speaker, U.S.-Asia Institute Rule of Law Program (2020)
- Panelist, Financial Institutions Partnering With Law Enforcement, American Bankers Association & American Bar Association Financial Crimes Enforcement Conference, Washington, D.C. (2020)
- Keynote Speaker, Financial Institution and Law Enforcement Collaboration: The DOJ Perspective, Association of Certified Anti-Money Laundering Specialists U.S. Capital Chapter Annual AML/CFT Forum, Washington, D.C. (2019)
- Congressional Testimony, Pursuing Accountability for Atrocities, United States House of Representatives Committee on Foreign Affairs, Tom Lantos Human Rights Commission, Washington, D.C. (2019)
- Panelist, Fraud Detection in the Evolving World of Technology, American Bankers Association & Financial Services Information Sharing and Analysis Center Webinar, Washington, D.C. (2019)
- Panelist, Federal Criminal Enforcement and the Opioid Crisis, American Bar Association National Health Care Fraud Institute, New Orleans, La. (2019)
- Keynote Speaker, Federal Response to the Opioid Epidemic, Alaska Wellness Summit 2.0, Anchorage, Ak. (2018)
- Panelist, Fine Tuning Your Elder Financial Exploitation Controls, American Bankers Association & American Bar Association Financial Crimes Enforcement Conference for AML and Fraud Professionals, National Harbor, Md. (2018)

- Featured Presenter, Investigating Transnational Cybercrime and Money Laundering, United Nations Convention on Transnational Organized Crime (UNTOC), Ninth Session of the Conference of the Parties, Vienna, Austria (2018)
- Panelist, Federal Enforcement in the Opioid Crisis, American Bar Association National Health Care Fraud Institute, Tampa, Fla. (2018)
- Panelist, Cryptocurrency and the Global Reach of Money Laundering, American Bar Association National White Collar Institute, San Diego, Calif. (2018)
- Panelist, ECPA and Government Access to Communications-Related Data: The Present and the Future, Federal Communications Bar Association, Washington, D.C. (2017)
- Panelist, Understanding the Corporate Defendant: Overcoming the Challenges and Risks of Building a Case Against Corporate Actors, International Corporate Responsibility Roundtable (ICAR), Oslo, Norway (2017)
- Keynote Speaker, Federal Opioid Enforcement Priorities, Drug Enforcement Administration & National Narcotic Officers' Associations' Coalition Drug Enforcement Forum, Washington, D.C. (2017)
- Keynote Speaker, National Forensics Symposium, National Association of Attorneys General & National District Attorneys Association, Washington, D.C. (2017)

EDUCATION

- J.D., Stanford Law School, 2006
- M.Phil., University of Cambridge, 2003 *Gates Scholar*
- B.A., Yale University, 2001

ADMISSIONS

- Bar of California
- Bar of District of Columbia

THOUGHT LEADERSHIP POWERED BY HUB

- 2 November 2021, DOJ Announces Major Changes to Corporate Criminal Enforcement Policies (*Alerts/Updates*)
- 15 September 2021, Navigating the Corporate Transparency Act and FinCEN's Implementing Regulations (*Webinar*)
- 14 September 2021, Congressional and Enforcement Priorities Related to Higher Education Issues (*Alerts/Updates*)
- 9 August 2021, Cybersecurity Risk in the Health Care Industry (*Podcast*)

- 5 August 2021, Voluntary Disclosure: Deep Dive - Key Trends in U.S. Corporate Enforcement (*Podcast*)
- 2 August 2021, The End of the McGahn Litigation Saga: House Subpoena Power is Vindicated, For Now (*Alerts/Updates*)
- 1 July 2021, More Than Innovation and Competition: The Latest Proposed Monitoring and Enforcement Mechanisms Targeting Foreign Influence in U.S. Research (*Alerts/Updates*)
- 10 June 2021, Biden Administration Identifies Global Corruption as a National Security Issue (*Alerts/Updates*)
- 20 April 2021, Can Companies Find Refuge Against Congressional Investigations in the Post-Trump Era? (*Alerts/Updates*)
- 29 March 2021, COVID-19: Financial Institutions and Loan Recipients Will See Increased Congressional and Inspector General Investigations on CARES Act Funding (*Alerts/Updates*)
- 16 March 2021, Emerging National Security Considerations for AMCs and Research Universities: Foreign Influence Oversight and Enforcement Trends (*Webinar*)
- 8 March 2021, Voluntary Disclosure: Deep Dive - They Still Know What You Did Last Summer—Phase 2 of the U.S. Government's Response to the Paycheck Protection Program (*Podcast*)
- 25 February 2021, Qui Tam Quarterly (*Alerts/Updates*)
- 23 February 2021, Voluntary Disclosure: Deep Dive - They Know What You Did Last Summer—Phase 1 of the U.S. Government's Response to the Paycheck Protection Program (*Podcast*)
- 17 February 2021, COVID-19: Are Your Workplace Safety Compliance Policies Medium-Rare or Well-Done? (*Alerts/Updates*)
- 16 February 2021, An Overview of Aviation Industry Stimulus in the Americas (*Webinar*)
- 4 February 2021, They Know What You Did Last Summer: DOJ Announces First Civil Settlement Involving PPP Borrower (*Alerts/Updates*)
- 3 February 2021, Congressional Investigations Preview for the 117th Congress: Unified Democratic Control Means More Robust Oversight and Investigation of the Private Sector (*Alerts/Updates*)
- 26 January 2021, Department of Justice Brings First-Ever Criminal Charges for Alleged Anticompetitive Conduct in Labor Markets (*Alerts/Updates*)
- 18 December 2020, HHS OGC Weighs in on Sub-Regulatory Guidance in Advisory Opinion: What It Might Mean for False Claims Act Cases After *Azar v. Allina Health Services* (*Alerts/Updates*)
- 17 December 2020, Increased FARA Enforcement Is Here to Stay - A Debrief on ACI's Second National Forum on FARA (*Alerts/Updates*)
- 30 November 2020, HHS OIG Highlights "Inherent Fraud and Abuse Risks" of Company-Sponsored Speaker Programs in Rare Special Fraud Alert (*Alerts/Updates*)

- 3 November 2020, COVID-19: New SBA Forms Asking Key Necessity and Liquidity Questions (*Alerts/Updates*)
- 15 October 2020, COVID-19: New DOJ Guidance on Inability-to-Pay Claims: What Companies Affected by COVID-19 Need to Know When Seeking Reduced Civil and Criminal Penalties from DOJ (*Alerts/Updates*)
- 7 October 2020, The CFTC's Enforcement Division Again Puts Market Participants on Notice About Its Expectations Concerning Compliance Programs (*Alerts/Updates*)
- 25 August 2020, DOJ Releases Its First FCPA Advisory Opinion Since 2014—What You Need to Know About the FCPA Advisory Opinion Process (*Alerts/Updates*)
- 13 July 2020, DOJ and SEC Issue First Major Update to FCPA Resource Guide Since 2012: What You Need to Know (*Alerts/Updates*)
- 8 July 2020, Qui Tam Quarterly (*Alerts/Updates*)
- 25 June 2020, COVID-19: PPP Loan Borrowers - Your Information May Now Be Public (*Alerts/Updates*)
- 8 June 2020, DOJ Emphasizes Data-Driven Approach to Monitoring and Importance of Culture in Latest Adjustments to Corporate Compliance Program Guidance (*Alerts/Updates*)
- 3 June 2020, COVID-19: Multiple Investigations of Coronavirus Fund Recipients Underway (*Alerts/Updates*)
- 21 May 2020, COVID-19: PPP Forgiveness: What You Should Know About the Application and Instructions (*Webinar*)
- 12 May 2020, COVID-19: Virtual Town Hall on PPP Eligibility and Risks for Nonprofit Organizations (*Webinar*)
- 6 May 2020, COVID-19: Virtual Town Hall on PPP Eligibility and Risks, One Last Look Before the Safe Harbor Expires (*Webinar*)
- 21 April 2020, COVID-19: Congressional Investigations and Pandemic Relief Oversight Mechanisms (*Alerts/Updates*)
- 9 April 2020, COVID-19: Looming False Claims Act Liability for Paycheck Protection Program Loans (*Alerts/Updates*)

OTHER PUBLICATIONS

- "DOJ Announces Major Changes to Corporate Criminal Enforcement Policies," *Westlaw Today powered by Reuters*, 8 November 2021
- "Key DOJ Health-Care Enforcement Trends to Watch," *Bloomberg Law*, 16 September 2021
- "House Subpoena Power Wins In McGahn Case, With Caveats," *Law360*, 6 August 2021
- "Ukraine's Gaming Market Presents New Opportunities," *GBB News*, 14 April 2021

NEWS & EVENTS

- 29 November 2021, FCPA Enforcement Trends for the Biden Administration: 2021 and Beyond (*Event*)
- 15 September 2021, Navigating the Corporate Transparency Act and FinCEN's Implementing Regulations (*Event*)
- 13 July 2021, COVID-19 Government Enforcement Trends and Developments, hosted by Medtrade West (*Event*)
- 24-25 March 2021, ACI False Claims Act and Qui Tam Enforcement Conference (*Event*)
- 8 March 2021, *Report on Medicare Compliance: OFAC Fines Add to Ransomware Peril; 'It's a Between-a-Rock-and-a-Hard-Place Thing'* (*Media Mention*)
- 23 October 2020, *Global Investigations Review: GIR 100 2020* (*Media Mention*)
- 24 August 2020, K&L Gates Hosts Town Hall Featuring DOJ's Fraud Initiatives as a Result of COVID-19 and How Health Care Providers Should Prepare (*Practice & Regional News*)
- August 2020, K&L Gates Lawyers Provide Insights on Impact of COVID-19 Across Various Industries (*Media Mention*)
- 6 April 2020, K&L Gates Adds U.S. Deputy Assistant Attorney General as Investigations, Enforcement and White Collar Partner in Washington, D.C., Office (*Press Release, Practice & Regional News*)

MEDIA MENTIONS

- Ex-US Atty Joins K&L Gates' Investigations Practice In NC, *White Collar Law360*, May 4, 2021
- Interviewed and quoted, "OFAC Fines Add to Ransomware Peril; 'It's a Between-a-Rock-and-a-Hard-Place Thing,'" *Report on Medicare Compliance*, Volume 30, Number 9, 8 March 2021
- "Should GCs Fear The DOJ's Power To Bankrupt?" *Law360*, October 30, 2020
- "The outlook for US white-collar enforcement post election," *Global Investigations Review*, October 29, 2020
- GIR 100 2020, *Global Investigations Review*, October 23, 2020
- "Manhattan Gains a US Attorney With a Reputation for Independence," *Financial Times*, June 23, 2020
- "COVID Crimes: Feds Set to Boost White Collar Crisis Cases," *Law360*, June 19, 2020
- "Banks Have PPP Protection but Still Must Identify Clear Fraud, Lawyers Say," *S&P Global Market Intelligence*, May 11, 2020
- "K&L Gates Nabs DOJ and Senate Judiciary Alum," *Law360*, April 7, 2020
- "Gearing Up for More Investigations, K&L Gates Hires High-Ranking DOJ Lawyer," *Law.com*, April 6, 2020
- "Criminal Division Official Joins K&L Gates," *Global Investigations Review*, April 6, 2020

- “Online Marketplace Linked to \$530 Million in Fraud Shuts Down,” *Wall Street Journal*, February 7, 2018

AREAS OF FOCUS

- Investigations, Enforcement, and White Collar
- Anti-Bribery and Anti-Corruption
- Anti-Money Laundering (AML)
- Complex Commercial Litigation and Disputes
- Data Protection, Privacy, and Security
- Federal, State, and Local False Claims Act
- Health Care Fraud and Abuse (U.S.)
- Internal Investigations
- Public Policy and Law
- U.S. Congressional Investigations
- White Collar Crime

INDUSTRIES

- Betting and Gaming
- Consumer Products

REPRESENTATIVE EXPERIENCE

- Conducted an internal investigation for a global financial services provider in connection with a major international data leak.
- Represented an international offshore drilling contractor in connection with DOJ and SEC investigations into alleged violations of the FCPA arising from contracts with Petrobras.
- Represented a petroleum services company in connection with a DOJ investigation into potential violations of the FCPA in Asia and South America, resulting in a declination of prosecution under the DOJ's FCPA Pilot Program.
- Represented a global pharmaceutical manufacturer in an investigation and settlement involving the False Claims Act.
- Advised a South American banking group in an arbitration proceeding regarding claims arising out of actions taken by an Asian bank regulatory authority.

- Advised on design and implementation of anti-bribery compliance and training programs for clients with matters pending before the DOJ and SEC.