David Debold

Partner

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Washington, D.C.



David Debold joined the Washington, D.C. office of Gibson Dunn in 2003. He practices in the Litigation Department, and is a member of the firm's Appellate and Constitutional Law, Securities Litigation and White Collar Defense and Investigations Practice Groups.

Since joining the firm, David has represented numerous individuals and businesses in a wide variety of white collar, regulatory enforcement, and appellate matters.

David's white collar and regulatory matters include: major SEC enforcement actions and investigations involving accounting irregularities, the Foreign Corrupt Practices Act, and books and records issues; large-scale corporate internal investigations for Fortune 50 companies (including independent investigations for audit committees of boards of directors); investigations and regulatory actions by FINRA and the PCAOB; and federal criminal investigations and prosecutions involving a number of federal offenses in the environmental, tax, mortgage loan fraud, securities fraud, stock options backdating, money laundering, and antitrust areas.

David's appellate practice includes federal and state court appeals across a broad spectrum of civil and criminal issues; petitions for writs of certiorari filed in the United States Supreme Court in both civil and criminal cases; and merits appeals in the United States Supreme Court. David's appellate experience includes more than 85 oral arguments in the United States Courts of Appeals and the briefing of more than 200 appeals.

Representative matters handled by David include:

- *United States v. Conrad M. Black*. David co-wrote the successful petition for writ of certiorari and merits briefs that Gibson Dunn filed in the United States Supreme Court on behalf of media entrepreneur Conrad Black. The Supreme Court unanimously reversed a court of appeals judgment that had upheld Mr. Black's mail fraud and obstruction convictions. David was lead counsel at Mr. Black's resentencing on remand in Chicago, and he helped achieve a three-year sentence reduction for Mr. Black.
- *United States v. Paul S. Minor*. David represented Paul Minor, a highly successful lawyer in Mississippi, at his resentencing on honest-services fraud convictions. David persuaded the trial judge to reduce Mr. Minor's sentence by three years, even after the judge determined there had been no change in the applicable Sentencing Guidelines range.
- *FINRA Dept. of Enforcement v. Stephen H. Brinck*. David played a major role in defending the former head of the fixed income desk at a broker-dealer against fraud charges. Following a 2-week evidentiary hearing in San Francisco and post-hearing briefing, the hearing panel cleared Mr. Brinck of the sole charge levied against him.

Capabilities

Appellate and Constitutional Law
Administrative Law and Regulatory Practice
Anti-Corruption & FCPA
Litigation
Securities Litigation
White Collar Defense and Investigations

Credentials

Education

Harvard University - 1985 Juris Doctor
Wayne State University - 1982 Bachelor of Arts

Admissions

Michigan Bar
District of Columbia Bar

Clerkships

US Court of Appeals, 6th Circuit, Hon. Cornelia G. Kennedy, 1985 - 1986

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- *Comcast v. FCC*. David supervised the briefing among four law firms, as well as the oral argument preparation, in a successful petition to the United States Court of Appeals for the D.C. Circuit. The Court, in rejecting an FCC regulation that limited the size of cable services providers, took the rare step of vacating the rule in its entirety rather than remanding for further proceedings.
- *United States v. McWane Pipe et al*. David took the lead in drafting appellate briefs in the Eleventh Circuit challenging several convictions under the Clean Water Act. The Court reversed all convictions on all counts of all four defendants, and David and his colleagues successfully opposed the Solicitor General's petition for Supreme Court review of the decision.
- David successfully negotiated a non-prosecution agreement for a company that, at the time Gibson Dunn was hired, faced imminent indictment in Michigan for environmental crimes. The agreement avoided prosecution of any individuals and dispensed with appointment of a monitor and other costly remediation measures initially proposed by the EPA. David also successfully negotiated the termination of the 3-year agreement after only 6 months.
- In appellate *pro bono* matters, David took over for a *pro se* defendant and won a rare remand from the court of appeals for an evidentiary hearing on his claim of racial discrimination in jury selection. He also has taken the lead role in multiple *amicus* briefs for national criminal defense and immigration advocacy groups before the United States Supreme Court, including a 6-3 victory in *Vartelas v. Holder* (2012), which protected the travel rights of lawful permanent resident aliens.

David also has significant experience in advising companies on how to create or update their compliance programs to comply with requirements mandated by the United States Sentencing Commission and other authorities. David was Special Counsel to the Sentencing Commission when the guidelines governing corporations took effect, and as Chair of the Commission's Practitioners Advisory Group he has testified before the Commission on these and other issues related to the enforcement of federal criminal law.

Prior to joining the firm, David served as an Assistant United States Attorney in Detroit, Michigan, where he had a distinguished career in government service as a member of the office's Criminal Trial and Appellate Divisions. In his years as a trial lawyer for that office, he directed more than 100 grand jury investigations and brought to trial over a dozen felony cases, including a multi-million dollar construction loan fraud, a large-scale investment scam and the attempted murder of a federal agent.

David has lectured frequently at national conferences on criminal law and appellate issues. He served as chair of the United States Sentencing Commission's Practitioners Advisory Group, which provides input from private practitioners on a variety of sentencing-related issues including proposed amendments to the Federal Sentencing Guidelines and legislative initiatives. He is editor of the ABA's two-volume treatise, "Practice Under the Federal Sentencing Guidelines," a comprehensive sentencing resource. He also has written numerous articles on developments in federal sentencing law at the Supreme Court level, as well as updates on Department of Justice policies in the investigation and prosecution of corporations and other organizations. David was recently recognized by *Benchmark Litigation* as “Litigation Star.” David has also been recognized by *The Best Lawyers in America*® since 2023 in the categories of Securities Litigation and White-Collar: Criminal Defense.

David graduated *magna cum laude* from Harvard Law School in 1985, and served as a law clerk to the Honorable Cornelia G. Kennedy of the United States Court of Appeals for the Sixth Circuit.

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