

MVP: Gibson Dunn's Joel Cohen

By Emily Johnson

Law360 (September 8, 2022, 2:02 PM EDT) -- Joel Cohen of Gibson Dunn & Crutcher LLP defended a real estate developer in a once-sweeping \$500 million fraud case that ended in July with the developer accepting a plea deal involving minor accusations and receiving a no-prison sentence, earning Cohen a spot on Law360's White Collar MVPs.

HIS BIGGEST ACCOMPLISHMENT OVER THE PAST YEAR:

The New York-based partner said his greatest recent accomplishment was defending real estate developer Bob Morgan throughout a five-year saga that ended this year when a federal judge handed Morgan a no-prison sentence and accepted his agreement to plead guilty to minor accusations. After five years of defending Morgan, Cohen had helped his client defeat the once-sweeping \$500 million mortgage fraud case and the bulk of the 114-count indictment against him. Morgan agreed to forfeit \$16.3 million as part of his plea, according to the statement from the U.S. attorney's office.

The first indictment, lodged in 2018, was dismissed on speedy trial grounds. Cohen said that among Morgan's work was developing residential housing for "people that really need the housing."

"They went after him as if he was Al Capone," Cohen said. "We got the criminal indictment dismissed after about three years of fighting on the basis that the government had failed to turn over discovery."

While Morgan's business was impacted by this case, Morgan was able to ensure that he and his son received no-prison sentences, Cohen said.

"\$490 million of that money and his entire business is back with him, but it took five years, and unfortunately, you have to be a defendant who has the economic means to fight or else we would have never discovered this kind of malfeasance on behalf of the government," Cohen said.

After prosecutors admitted to discovery missteps, U.S. District Judge Elizabeth A. Wolford of the



Western District of New York ordered an evidentiary hearing in January to ask prosecutors about those issues.

Cohen called the prosecutor's conduct unexpected.

"The government had been engaged in a cover-up much to my surprise," he said.

He added that the U.S. Department of Justice has ordered its prosecutors to complete training on discovery, "so this doesn't happen again."

HIS BIGGEST CHALLENGE IN THE PAST YEAR:

Cohen said his biggest challenge in the last year was an exciting one — serving as chair of Lawyers Without Borders, a nonprofit that offers legal training in Africa, Asia, the Caribbean, and Central and South America. During the pandemic, the nonprofit began offering its training virtually and had to think innovatively about how to raise funds.

"Adding board members and finding sources of revenue were huge challenges throughout [the pandemic]," Cohen said. "But we've actually come out the other end of it in a really good position."

Cohen said this is his first time serving as a nonprofit board chair, and he's learned to leverage resources such as reaching out to those who can connect the nonprofit with donated services or laptops.

"There's all these talented people who are volunteering their time who have all these connections and leads," Cohen said.

WHY HE IS A WHITE COLLAR DEFENSE ATTORNEY:

The former federal prosecutor said that while he has confidence in the legal system, he knows prosecutors can make mistakes, and sometimes those mistakes lead to misunderstandings, he said.

"Sometimes it's beyond misunderstood by the prosecutor and regulators, it's actually that they're going to be run over by the power of the government," Cohen said. "So, to be in a situation where you can push back and make them satisfy their burden, that's really what I like."

HIS MOTIVATION:

He said he's motivated to pursue the truth and find out why someone made certain decisions.

Another motivation for Cohen is collaborating with experienced and junior attorneys who are seeking to learn. He said enjoys working with teams.

"I like laughing," he said. "Our teams laugh a lot. We have a lot of fun because it can be stressful, and to me, that's a critical part of what I do. If we can't find ways to love or find some joy or humor, to me that becomes intolerable."

HIS ADVICE FOR JUNIOR ATTORNEYS:

Cohen said he advises junior attorneys to keep abreast of professional reading and to listen and talk to people about cases. As a practicing attorney, he said, he enjoys working through a challenge as a team.

"I think that allows you to do what I think is the most exciting thing about the law — get to a point where you can see around corners where you not only deliver really good work, but you can begin to

see a pattern and anticipate three steps ahead what might be coming and how to respond."

— *As told to Emily Johnson.*

Law360's MVPs of the Year are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals, and complex global matters. A team of Law360 editors selected the 2022 MVP winners after reviewing more than 900 submissions.

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