



Thomas F. Kokalas

Partner

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About Tom

Thomas Kokalas is a partner in Bracewell's New York office in the Government Enforcement & Investigations practice. Tom focuses his practice on responding to regulatory investigations as well as conducting corporate-wide compliance reviews and risk assessments. He has extensive experience in regulatory enforcement, government and internal investigations, white collar criminal defense and complex civil litigation. He counsels corporate clients in a range of complex issues, including US Department of Justice investigations, Regulatory Enforcement actions and internal Compliance Reviews. Prior to joining Bracewell, Tom served as a prosecutor in the Manhattan District Attorney's Office as a member of the Frauds Bureau, where he successfully prosecuted complex financial crimes involving securities fraud, RICO, larceny and schemes to defraud. He also served in the Trial Division where he prosecuted and tried felony criminal cases in New York County Supreme Court in addition to handling long-term investigations into weapons and narcotics trafficking. Tom is also a member of the firm's COVID-19 Crisis and Recovery Task Force, advising clients on various issues related to the impacts of the coronavirus pandemic, including matters related to the government's stimulus loan programs.

Over the years, Tom has guided clients through sensitive government investigations and related proceedings. His representations have included cases involving the Foreign Corrupt Practices Act, economic sanctions compliance, allegations of government contracting and procurement fraud, RICO claims, bribery, money laundering, accounting fraud, securities law violations, insider trading, tax fraud, construction fraud, labor fraud and violations of the False Claims Act.

Tom has also led teams on various Monitorship Appointments and Special Master Assignments, including the privilege review of documents seized from Michael Cohen, the President's former lawyer. *In the Matter of Search Warrants Executed on April 9, 2018* 19-MJ-3161 (KMW). In addition, Tom plays a critical role in Bracewell's appointment as the Independent Review Officer for the International Brotherhood of

Teamsters Union (IBT).

In his civil practice, Tom has represented clients in a wide array of complex commercial cases in federal and state courts and various forms of arbitration forums. Many of those matters involved high dollar disputes involving many of the most pressing issues businesses face today involving securities fraud, civil RICO actions, civil tax fraud and commercial disputes. Clients have included large multi-national corporations, officers of public companies and limited partnerships.

Recent Notable Matters

CARES Act Loan Programs — advising lenders and borrowers on documenting and other aspects of the loan programs offered under the US Coronavirus Aid, Relief, and Economic Security Act (CARES Act)

Special Master Assignment — Conducted the privilege review of documents seized from Donald Trump's lawyer Michael Cohen. Led by the Hon. Barbara S. Jones (Ret.), worked with a small team of Bracewell partners that quickly and securely reviewed physical documents inside a Sensitive Compartmented Information Facility ("SCIF") to ensure necessary security of information.

Independent Review Officer — Independent monitor over the International Brotherhood of Teamsters (IBT), the largest union in the world of 1.5 million members to exercise disciplinary authority over the IBT relating to internal corruption charges, disciplinary decisions and reviews trusteeships imposed by the IBT over local unions, in addition to other investigative responsibilities.

Archdiocese of New York — Part of the team to conduct an independent compliance assessment of the organization's policies and procedures and conduct related internal reviews.

Global Transportation Company — Conducted a world-wide Foreign Corrupt Practices Act compliance review and presented findings and recommendations to the company's Board of Directors.

Pharmaceutical Company — Represented multi-national pharmaceutical company in a complex commercial dispute at an International Chamber of Commerce (ICC) Arbitration.

Energy Company — Conducted internal investigation and responded to numerous regulatory inquiries related to improperly installed gas equipment across a number of different locations.

Insurance Company — Represented one of the world’s largest insurance companies in a coverage dispute arbitration before the American Arbitration Association (AAA) involving tax and accounting fraud claims.

Utility company — represented a multi-national utility under investigation by both the New York State Attorney General and the Governor’s Moreland Commission regarding alleged misrepresentations concerning storm preparation and response to Hurricane Sandy and other recent storms

Contracting firm — retained as ethics and compliance counsel to conduct a compliance risk assessment and implement a corporate-wide compliance program

Multinational construction company — represented a corporation in a multi-year fraud investigation conducted by the Manhattan District Attorney

Global manufacturing company — conducted an internal investigation on behalf of a public company related to accounting and procurement fraud while managing a parallel investigation by the SEC

Global transportation company — conducted a world-wide Foreign Corrupt Practices Act compliance review and presented findings and recommendations to the company’s Board of Directors

International aviation company — represented company in connection with a criminal antitrust investigation by the DOJ

Global construction firm — defended a company in an investigation conducted by the U.S. Attorney for the Eastern District of New York into allegations of M/WBE contracting fraud and bribery for work done at the World Trade Center

International tobacco company — nationwide antitrust litigation and related criminal charges resulting in dismissal of the indictment

Major international shipping and design firm — defended company in connection with a False Claim Act investigation by the DOJ

Broker-dealer – defended company in a FINRA Arbitration against claims of fraud and conversion

Publications and Speeches

“Effective Tools for Responding to Governmental and Regulatory Investigations: Finding Alignment Early to Set the Table for Success,” General Counsel Conference East, NY, September 22, 2021

“Economic Sanctions and Export Controls – Navigating Uncertainty and Ensuring Compliance with a Moving Target,” Moderator, Momentum Oil & Gas Compliance Forum, October 2, 2019.

"Construction Compliance Matters," *Construction Industry CPAs Consultants Association (CICPAC) Webinar*, January 2017.

"DOJ Announces First Declinations After Implementing FCPA Pilot Program," *Corporate Compliance Insights*, June 22, 2016.

"Compliance Assessments," *SCCE Utilities & Energy Compliance & Ethics Conference*, February 2016.

"NYC Construction Industry, There's a New Sheriff in Town," *Law360*, August 2015.

Education

Catholic University of America, Columbus School of Law, J.D.

2000

American University, Bachelor of Arts

1997

Noteworthy

The Legal 500 United States, Corporate Investigations and White Collar Criminal Defense, 2017 - 2019

Bar Admissions

New York