

**Cathy Fleming**  
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Partner

Business Litigation Practice Group

Business Crimes, Regulatory Offenses & Corporate Investigations Practice Group

Antitrust Practice Group

New York Office

**Areas of Practice:** Complex litigation including business, securities, antitrust, and employment; corporate governance; white-collar defense and investigations; consults on diversity/women's initiatives

**Professional Experience:** Ms. Fleming focuses her practice on complex civil litigation and white collar criminal cases. She has extensive experience in commercial, securities, employment, antitrust, and environmental law and in international extraditions. Ms. Fleming has tried more than 50 cases to verdict, most of which have been in federal courts, including in New York, New Jersey, Florida, Texas, Massachusetts, Pennsylvania, Illinois, and California. She regularly conducts internal integrity audits and investigations for corporations and public bodies. She also provides counsel to corporate management and committees and has represented members of special committees in defense against shareholder complaints in federal and state tender offer litigation.

Ms. Fleming regularly represents large companies and their executives in investigations, including criminal investigations, SEC enforcement proceedings, class-action lawsuits, and other civil cases. She regularly represents major brokerage houses in arbitrations, often in cases involving millions of dollars.

She has significant experience in representing public accounting companies. In addition, Ms. Fleming has tried to verdict, in both state and federal courts, employment cases on a variety of issues, including hostile work environment, retaliation, wrongful termination, and violation of restrictive covenants. Earlier in her career, she served as an Assistant United States Attorney in the District of New Jersey, including as Chief of the Special Prosecutions Unit.

A small sample of Ms. Fleming's experience includes acting as co-lead counsel in securities litigation in the insurance industry, acting as lead counsel in defense of a number of SEC enforcement cases involving various industries, and defending public accounting firms in numerous proceedings stemming from frauds committed by accounting firm clients. In a case receiving international media attention, Ms. Fleming successfully defended against four federal attempts to extradite a former deputy attorney general of Mexico. She thereafter successfully

prevented his deportation by convincing a federal court that the statute on which the government relied was unconstitutional (*United States v. Reno*, District of New Jersey).

- In a case of first impression, Ms. Fleming obtained the decision of a federal court requiring the United States Attorney for the District of New Jersey to retract a report published on its Web site that revealed grand jury material and ordered the United States attorney to apologize to her client, a former lieutenant governor of Texas.
- Ms. Fleming co-trieed to a successful verdict an environmental case involving migration and fate of DNAPLs and LNAPLs (*Gussack v. Xerox*, Southern District of New York).
- In a federal criminal antitrust case prosecuting suppliers who sold frozen food to the New York City Board of Education, Ms. Fleming defended the only frozen food distributor who went to trial.
- Ms. Fleming defended a former mayor of Newark, New Jersey, against an 18-count indictment. The ten-week federal prosecution resulted in a hung jury.

**Professional Associations:** Ms. Fleming served as president of the National Association of Women Lawyers (NAWL), the oldest women's bar association in the United States, from 2006 to 2007. She has been a member of the executive board of NAWL since 2004. She is also a founding director of the NAWL Foundation and serves on its board. In connection with her work for NAWL, Ms. Fleming counsels corporations and law firms on implementing and enriching diversity initiatives. In 2008, Ms. Fleming was appointed to the New Jersey Supreme Court Committee on Women in the Courts. She has served since 1997 as a trustee of the Historical Society for the United States District Court for the District of New Jersey. For four years, she served as a member and hearing chair for the New Jersey Supreme Court Ethics Committee, District V, Essex County. Ms. Fleming also teaches regularly at the National Institute for Trial Advocacy.

**Presentations/Publications:** Ms. Fleming has authored numerous articles and publications, including co-authoring "'Invisible' Attorneys Seek Notice," *National Law Journal*; writing the chapter "Corporate Integrity Audits and Preventing the Criminal Inquiry," *Winning Legal Strategies for Corporate Governance: Leading Lawyers on Effective Programs for Understanding Regulations, Maintaining Compliance, and Avoiding Liability*; and authoring "Protecting the Audit Committee" and "Integrity, New Audit Committee Issue," *GC New York*. She is also a frequent speaker on topics ranging from ethics to best practices to diversity.

**Honors/Awards:** In 2008, the New Jersey Women Lawyers Association (NJWLA) honored Ms. Fleming with the NJWLA's Platinum Award for Women's Initiative & Leaders in Law. She was named a Woman of Power & Influence by the National Organization for Women in 2007. Ms. Fleming was also awarded the Department of Justice's Special Commendation Award and has been recognized each year since 2006 as a New York Super Lawyer by *Law & Politics* magazine for her work in the area of white collar criminal defense. She is also a fellow of the American Bar Foundation.

**Languages:** French

**Bar Associations:** Member, American Bar Association, NAWL, New Jersey Bar Association, New York Bar Association

**Admitted to Practice:** New York, New Jersey, U.S. Supreme Court, U.S. Courts of Appeals for the Second and Third Circuits, U.S. District Courts for the District of New Jersey and the Southern and Eastern and Northern Districts of New York

**Education:**

J.D., Columbia University School of Law

B.A., cum laude, Attorney Advertising Mount Holyoke College