

## Breon Peace Brings Defense Prowess To Top Role At EDNY

By **Stewart Bishop**

*Law360 (August 16, 2021, 8:27 PM EDT)* -- President Joe Biden's nomination of Cleary Gottlieb's Breon Peace to be the next U.S. attorney for the Eastern District of New York could bring a unique perspective to the influential office, one shaped by years of steering complex internal investigations and dealing with an array of enforcement agencies and regulators from the defense side.

Biden last week formally nominated Peace, months after U.S. Senate Majority Leader Chuck Schumer recommended him to serve as U.S. attorney for the district encompassing Brooklyn, Queens and Staten Island in New York City as well as Long Island.



Breon Peace

Peace, 49, a partner at Cleary Gottlieb Steen & Hamilton LLP, served as an assistant U.S. attorney in the Eastern District of New York. His former colleagues remember him as a skilled line prosecutor who possessed great courtroom instincts and enjoyed good relationships with law enforcement.

"The case agents all loved working with Breon because he worked really hard and supported them," said Kelly Currie of Crowell & Moring LLP, who worked with Peace at EDNY. "So I have a lot of confidence in his ability to engage with law enforcement partners."

Apart from his three years as an assistant U.S. attorney, his clerkship for U.S. District Judge Sterling Johnson Jr. and a stint teaching at New York University School of Law, Peace has been in the trenches on the defense side at Cleary.

While Biden selected a mostly career prosecutor, Damian Williams, to lead the Southern District of New York, across the East River in Manhattan, Peace's work brings with it a different perspective that colleagues say will serve him and the Eastern District well.

Peace's old boss at EDNY, former U.S. Attorney Alan Vinegrad, now a partner at Covington & Burling LLP, spoke highly of Peace's time at the Eastern District. Vinegrad stressed the importance of knowing the district for the presumptive new job, but added he believed experience on both sides of the aisle was particularly important.

"I think it really helps to have practiced in different capacities. He's been a defense lawyer, he's been in the private sector, he's been in the public sector, he clerked for a judge," Vinegrad told Law360. "So I

think he's a well-balanced lawyer with experience and insights from different perspectives. And I think that is very important and helpful when you're running a prosecutor's office."

At Cleary, Peace's practice focuses on white-collar and regulatory enforcement matters, as well as complex civil litigation. He has notably represented HSBC in the web of foreign exchange market investigations by the Department of Justice, the U.S. Securities and Exchange Commission, the Commodities Futures Trading Commission, the U.K.'s Financial Conduct Authority and others. He also represented BNP Paribas in clawback litigation stemming from Bernard Madoff's Ponzi scheme.

He's taken the lead on a number of complex internal investigations for publicly unnamed clients, gaining the kind of advanced experience that colleagues believe will prove invaluable at the Eastern District, which has become known for its handling of complicated, cross-border cases, such as those involving FIFA, 1MDB and Huawei.

Cleary partner Victor Hou, who's known Peace since their days as NYU law students, said Peace has been practicing law at the highest level since he left the EDNY, representing some of the most significant clients in industry as well as individuals.

"The level of his practice, his sophistication, is extra high. I think that sophistication is critical for him to continue investigating and prosecuting complex, cross-border cases. That's exactly what Breon's been doing on behalf of clients around the world," Hou told Law360. "I think it's critical to have a leader who has real-world experience who understands complex cases that have a cross-border element."

Former Cleary attorney Jason Gottlieb, now a partner at Morrison Cohen LLP, said Peace is a very experienced investigator, both in an individual capacity as a prosecutor but also as a partner at a large firm. Gottlieb said Peace has done well managing large teams during investigations, which of course is what the job of U.S. attorney entails.

"He's got a good sense of how to drive the investigation forward, how to get to what's important and to set aside what's not important," Gottlieb said, "And how to take the facts you find, to weigh the credibility of those facts ... to come to a conclusion."

Peace is also expected to support the continuation of the Eastern District's role as the go-to partner for DOJ headquarters, known as Main Justice, for cases including Foreign Corrupt Practices Act actions and other complex matters in New York federal courts.

"I think that Main Justice will find him to be very good at what he does and a real asset in continuing the work that the Eastern District does in that vein," Gottlieb said.

Currie, who also served as acting EDNY U.S. attorney, said that traditionally, the U.S. Attorney's Office there has had a role in the development of policy at DOJ through the cases it brings.

"That's always been a role that the Eastern District has had, and I think that with the docket [it] has now and will have, that will continue," Currie said.

Peace declined to comment for this article.

Gottlieb said that he also expects Peace — who grew up in Brooklyn as the son of a pastor at Zion Baptist Church — to be similarly focused on the many other types of crime that arises in the Eastern

District, such as drug, gang-related and firearms cases.

Peace has had his hand in significant pro bono cases as well, notably working to secure the exoneration of Clifford Jones, whose 1981 conviction for murder, rape and robbery was vacated after he served nearly 30 years in prison based upon newly tested DNA evidence that excluded him as a suspect.

"At a time when increasingly, prosecutors are being scrutinized for their conduct in cases and investigations, having a strong leader like Breon who has experience in the defense field as well as being an [EDNY alumnus] is critical in enhancing the credibility of the office," Hou said.

--Editing by Philip Shea.

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