

## Lawyers



### Nicolas Bourtin

Partner

#### New York

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Nicolas Bourtin is the Managing Partner of Sullivan & Cromwell's Criminal Defense and Investigations Group and a co-head of the Firm's FCPA and Anti-Corruption Group. His practice spans multiple areas of white collar criminal defense, including anti-corruption, accounting fraud, criminal antitrust, sanctions, anti-money laundering and securities fraud. He combines his tenure as a federal prosecutor with nearly two decades of experience guiding many of the world's largest multinational companies through their highest stakes matters. He has led a multitude of internal investigations around the world and has defended some of S&C's most prominent clients, such as Goldman Sachs, JPMorgan Chase, Wells Fargo, Fiat Chrysler Automobiles, Eni, Barclays, TD Bank, Standard Chartered and Popular in investigations and litigation. Mr. Bourtin has conducted numerous jury trials and argued frequently before federal and state appellate courts.

Mr. Bourtin previously served as an Assistant U.S. Attorney in the Eastern District of New York, where he was involved in investigations, prosecutions and trials involving fraud, corruption, money laundering and other white collar offenses. He successfully prosecuted the bosses and senior leadership of the New York City-based Italian mafia families for crimes such as murder, racketeering, extortion, loansharking and narcotics trafficking and was involved in several historic prosecutions, including the first death penalty-eligible murder indictments of Italian mafia bosses in modern history. He also coordinated the Eastern District's cooperation with the Italian government on matters involving organized crime and led several successful collaborative efforts with the Italian Ministry of Justice, National Antimafia Bureau, National Police, Carabinieri and Guardia di Finanza.

He is consistently recognized as a leading practitioner in the area of white collar criminal defense. *Chambers USA* has described him as "unflappable," "exceptionally knowledgeable" and an "incredible practitioner" whose advice is "totally reliable," and has noted his "strengths across litigation work and investigatory work, with expertise in areas including FCPA, financial fraud and antitrust issues." He was named "Investigations Professional of the Year" by *Global Investigations Review* in the inaugural presentation of the award in 2021.

#### Other Public Service and Professional Activities

- Criminal Justice Act Panel, U.S. District Court for the Eastern

#### PRACTICES & CAPABILITIES

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**Consumer Financial Services**

**General Practice**

**Financial Services**

**Bank Regulatory**

**Broker-Dealer**

**Economic Sanctions and Financial Crime**

**Financial Services Investigations & Litigation**

**Foreign Investments and Trade Regulations**

**Litigation**

**Antitrust**

**Congressional Investigations**

**Criminal Defense & Investigations**

**FCPA & Anti-Corruption**

**Securities & Commodities Investigations Practice**

**Securities Litigation**

**Supreme Court and Appellate**

**Corporate Culture, Workplace Investigations & Whistleblower Litigation**

#### EDUCATION

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**1996, Columbia Law School, J.D.**

**1993, University of Notre Dame, B.A.**

#### BAR ADMISSIONS

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**District of Columbia**

District of New York

- *Law360* White Collar Editorial Advisory Board
- *Global Investigations Review* Editorial Board
- Office of the Appellate Defender, Chair of the Board of Directors
- Eastern District Association

### **Speaking Engagements**

- “Rise of Investigations in the US,” Mondaq Webinars (July 2022)
- “Ethics, Strategy, and Privilege Issues in Defense Investigations,” NYC Bar White Collar Crime Institute (April 27, 2022)

### **SELECTED REPRESENTATIONS**

#### **High-Stakes Investigations**

- **FCA US LLC**, in a criminal resolution with the U.S. Department of Justice arising from an investigation of emissions control devices in certain light duty diesel trucks sold in the United States.
- **Wells Fargo** as lead counsel in resolving multiple criminal and regulatory investigations, including by the DOJ, the SEC and a multi-state working group of attorneys general, as well as in civil litigation, related to Wells Fargo’s sales practices.
- Lead counsel to **Goldman Sachs** in reaching coordinated resolutions in multiple criminal and regulatory investigations in jurisdictions around the world relating to an alleged multi-billion dollar money laundering and corruption scheme involving the Malaysia sovereign development company, 1MDB, and senior public officials in Malaysia and the United Arab Emirates, including a deferred prosecution agreement with the DOJ and resolutions with the government of Malaysia, the SEC, Federal Reserve, New York DFS, and regulators in the UK, Hong Kong and Singapore.
- **Eni** in two high-profile DOJ investigations related to its oil and gas businesses in Africa, both of which the DOJ closed without taking any enforcement action, and in resolving related SEC investigations.
- **FCA US LLC** in an investigation into improper payments involving the UAW-Chrysler National Training Center.

#### **FCPA**

- **A major global financial institution** in connection with the DOJ’s FIFA corruption investigation.
- **Kinross Gold** in its favorable settlement with the SEC stemming from an FCPA investigation arising from the company’s activities in West Africa, as well as in a parallel investigation by the DOJ, which closed its investigation and declined to pursue charges.
- **The former CEO of SBM Offshore** in criminal investigations in the United States, Brazil and the Netherlands related to alleged corruption in Brazil, Angola, Equatorial Guinea and other countries.

## **New York**

### **CLERKSHIPS**

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**The Honorable Federico A. Moreno, United States District Court, Southern District of Florida, 1997-1998**

### **LANGUAGES**

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**Italian**

- **The former CEO of the Brazilian subsidiary** of an international shipping and construction company in connection with a corruption investigation in Brazil, the United States and Singapore.

### **Criminal Antitrust**

- **A major U.S. investment bank** in antitrust and fraud investigations of the markets for U.S. Treasuries and agency bonds.
- **An individual** in an international price-fixing investigation into the high-voltage submarine and underground cable industry by the DOJ, the European Commission and other governmental agencies.
- **A Jones Act shipping company** in the resolution of a multi-year criminal price-fixing investigation by the Antitrust Division of the DOJ and the settlement of related civil lawsuits.

### **OFAC Sanctions and Money Laundering**

- **Standard Chartered Bank** in 2012 and 2019 deferred prosecution agreements with the DOJ and the Manhattan District Attorney's Office and regulatory settlements with the New York State Department of Financial Services, the Federal Reserve and OFAC, all related to OFAC sanctions and anti-money laundering compliance.
- **TD Bank** in parallel settlements of anti-money laundering compliance investigations by the OCC and FinCEN relating to the Scott Rothstein Ponzi scheme.
- **A multinational consumer goods manufacturer** in persuading the DOJ to drop a money laundering investigation.
- **HSBC** in the resolution of investigations by the DOJ, the Manhattan District Attorney's Office, the OCC, OFAC and FinCEN related to OFAC sanctions and anti-money laundering compliance.
- **ABN AMRO Bank** in a \$500 million deferred prosecution agreement with the DOJ related to OFAC sanctions and anti-money laundering compliance.
- **Wachovia Bank** in a \$110 million deferred prosecution agreement with the DOJ, a civil resolution with FinCEN, and a \$50 million civil money penalty with the OCC related to anti-money laundering compliance in Wachovia's correspondent banking business.

### **Securities and Complex Financial Instruments**

- **Fiat Chrysler Automobiles N.V.** and **FCA US LLC** in resolving an SEC investigation regarding its historical sales reporting practices.
- **Deutsche Bank** in an internal investigation of suspicious securities trading and USD payments involving customers and counterparties of Deutsche Bank Moscow and Deutsche Bank (London Branch) and also advising on and handling related U.S. regulatory and law enforcement reporting, investigation and

advocacy.

- **Numerous global financial institutions** in connection with state and federal civil, criminal, and regulatory investigations into RMBS underwriting practices prior to the financial crisis.
- **TD Bank** in a \$15 million settlement with the SEC in connection with the Scott Rothstein Ponzi scheme.
- **Fifth Third Bancorp** in a \$6.5 million settlement with the SEC involving allegations of accounting violations during the financial crisis related to with Fifth Third's commercial loan portfolio.
- **Fifth Third Bancorp** in the settlement, resulting in no civil money penalty, of an SEC administrative action that alleged violations of Section 13(a) of the Exchange Act and Regulation FD in connection with the redemption of certain trust preferred securities.

### Other Significant Matters

- **Intesa Sanpaolo** in a successful petition to the DOJ to return approximately \$118 million to date in forfeited funds that were the proceeds of a fraud committed against Intesa Sanpaolo's predecessor entity in Italy in the mid-1990s.
- **A major international bank** in investigations by the DOJ, the Commodity Futures Trading Commission, the Office of the Comptroller of the Currency, the Federal Reserve, numerous state attorneys general and various foreign regulators into the setting of LIBOR and other benchmark interest rates.
- **A prominent national law firm** in an Assurance of Discontinuance with the New York State Attorney General's Office in an investigation regarding the use of placement agents to secure investments by public pension funds.

### RANKINGS & RECOGNITION

- *Chambers Global* – Recognized as a leader in FCPA (2021, 2022)
- *Chambers USA* – Recognized as a leader in White-Collar Crime & Government Investigations (2016 – 2022) and FCPA (2020 – 2022)
- *Benchmark Litigation* – National Practice Area Star (2021 – 2023), Recognized as a Local Litigation Star (2020 – 2023) and Future Star (2017 – 2019)
- *Global Investigations Review* – Investigations Professional of the Year Award (2021)
- *The National Law Journal* – Recognized as a White Collar, Regulatory & Compliance Trailblazer (2018)
- *New York Super Lawyers* – Recognized in the area of Criminal Defense: White Collar (2011 – 2022)
- *Who's Who Legal: Global Investigations Review* – Recommended Lawyer for Criminal and Government Investigations (2016 – 2022)
- *Who's Who Legal: Global Investigations Review* – Thought Leaders in Investigations (2022)

- *Lawdragon* – Recognized as one of the “500 Leading Litigators in America” (2022)
- *Expert Guides: White Collar Crime* – Recommended Lawyer for White Collar Crime (2016 – 2019)
- *The Legal 500 United States* – Recommended Lawyer for White-Collar Criminal Defense (2010 – 2013, 2016 – 2018), International Litigation (2016 – 2018), Financial Services Litigation (2017) and International Trade (2017, 2018)