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PRACTICES

Anti-Money Laundering
Cartel - Government
Investigations & Litigation
Complex Civil Litigation
FCPA & International Anti-
Corruption
False Claims Act Litigation
Internal Investigations
Securities Enforcement
White Collar Defense

REGIONS

Latin America

EDUCATION

J.D., Georgetown University
Law Center, *cum laude*, 1985

B.A., George Washington
University, *with special honors
and distinction*, 1982

Kirby D. Behre

MEMBER

Kirby Behre is a Member of Miller & Chevalier's Litigation department and a former federal prosecutor. His practice focuses on the representation of corporations and senior executives in government investigations and criminal litigation, and in complex civil litigation. Mr. Behre's experience includes cases involving antitrust and cartel activity, bribery, fraud, public corruption, the Foreign Corrupt Practices Act (FCPA) and government contracts.

Mr. Behre has significant courtroom experience and has tried more than 50 cases before a jury. He is a nationally recognized authority on business crimes and co-authors *Federal Sentencing for Business Crimes* (Lexis-Nexis) and *Responding to Corporate Criminal Investigations* (BNA).

He has been recognized as a leading white collar criminal defense and government investigations lawyer by *Chambers USA*, which describes him as "an outstanding criminal defense attorney who is particularly adept at cross-border matters, and is a great team player." *Chambers* also describes Kirby as "sharp as a tack," an "extraordinary advocate" who has "very good analysis and negotiation abilities," and "a standout lawyer." *Chambers* has also noted that Mr. Behre impresses clients with his "talent and creativity," "creative solutions to tricky problems" and "absolute ferociousness toward defense litigation." *Legal 500* has recognized Mr. Behre as a leading antitrust and white collar criminal defense lawyer, saying that he "always makes himself available to clients" and noting his successful representation of UTi Worldwide in the DOJ's air cargo investigation.

Representative Engagements

- Representing a company and its owner in litigation in several countries regarding the state-sponsored hacking of the client by an emirate of the United Arab Emirates. The emirate and its agents and consultants systematically hacked into our client's computers and used the hacked material to smear our client in the press, bring a civil breach of contract suit against our client, and wrongly insinuate that the client was involved in criminal conduct. As a result of a global investigation of the misconduct, agents of the emirate are now the subject of litigation.
- Successfully sued Iran in the U.S. District Court in Washington, DC for falsely imprisoning a U.S. citizen, resulting in a judgment of \$37 million in damages. Approximately \$18 million of this judgment is recoverable from a fund administered by the U.S. government, and the client has begun to receive payments.
- Represented an executive in an extensive criminal FCPA prosecution related to massive bribery in public contracting in Venezuela. The client cooperated with enforcement authorities, pleaded guilty to one charge, and was facing several years

in jail. He was sentenced to just three years of probation without any incarceration.

- Represented a company that manufactures hand sanitizers in litigation brought by the U.S. government Food and Drug Administration (FDA) seeking to enjoin the company from making certain claims about their products. During a 10 day trial, the court adopted many of our clients' concerns regarding bias at the FDA and the undue influence of the market leading hand sanitizer company on the agency. The court required minor changes to the company's marketing, and the company is now flourishing and growing.
- Convinced the U.S. Department of Justice that its investigation of global freight forwarder for alleged cartel activities involving more than a dozen freight forwarders should be closed.
- Successfully defended numerous business executives from prosecution in the U.S. Department of Justice's cartel investigation into the auto parts industry, the largest cartel investigation in the department's history.
- Conducted complex internal investigations involving alleged foreign bribery for several major global corporations.
- Obtained an extremely favorable sentence for an Afghan construction company in criminal cases in U.S. District Courts in Chicago and Honolulu involving alleged bribery of U.S. military officials located in Kabul, Afghanistan.
- Obtained a rare *nolo contendere* ("no contest") plea for a U.S.-based cargo airline in a criminal case in U.S. District Court in Miami involving alleged antitrust violations in the air cargo industry.
- Defended two former executives of a U.S. bank in a five-week federal jury trial in Los Angeles involving the bank's failure.
- Successfully negotiated with federal prosecutors to obtain a non-prosecution agreement for a target of a grand jury investigation related to allegations of bank fraud and conspiracy. The U.S. Attorney's Office for the District of Columbia had threatened the client with bank fraud charges which would have resulted in a significant jail term. We represented our client during related complex civil litigation.

Government Experience

- Assistant U.S. Attorney, District of Columbia, 1989 - 1995

Rankings and Recognition

- *Chambers USA*: Litigation: White-Collar Crime & Government Investigations (District of Columbia), 2010 - 2022
- *Legal 500*: Antitrust: Cartel, 2014 - 2022
- *Legal 500*: Dispute Resolution: Corporate Investigations and White-Collar Criminal

Defense, 2015 - 2017, 2020 - 2022; Leading Lawyer, 2021 - 2022

- *Legal 500*: Litigation: International Trade, 2015
- *Legal 500*: Litigation: Financial Services, 2014
- Legal Media Group's *Expert Guides*: Best of the Best USA, White Collar, 2015, 2019 - 2020
- *The Best Lawyers in America*[®]: Criminal Defense: White Collar, 2021 - 2022
- *Who's Who Legal*: Business Crime Defence, 2015 - 2021
- *Who's Who Legal*: Investigations, 2014 - 2022
- *Who's Who Legal*: Thought Leaders – GIR, 2019
- *Who's Who Legal*: Business Crime Defence - Money Laundering, 2016
- *Who's Who Legal*: The International Who's Who of Business Lawyers, 2014
- Washington's Top Lawyers: Criminal Defense, White Collar (*Washingtonian Magazine*), 2011 - 2016, 2018, 2020
- *Washington, DC Super Lawyers*[®]: Criminal Defense: White Collar, 2007 - 2022
- DC Bar Capital Pro Bono Honor Roll, 2018, 2020

Affiliations

- General Counsel, Big Brothers Big Sisters National Capital Area, 1988 - present

Admissions

STATE ADMISSIONS

- District of Columbia
- Maryland