

NICOLE A. ALLEN, Partner

Nicole A. Allen is co-chair of the firm's Financial Services Litigation Practice and a partner in the Securities Litigation and Enforcement Practice. She has extensive experience representing clients in disputes involving complex financial instruments and transactions, with a particular focus on commodities and securities class actions, financial fraud litigation, and CFTC and SEC enforcement actions. She is a member of the Trial Bar in the Northern District of Illinois.

Ms. Allen has been recognized as a "Rising Star" by *Law360*—an honor given to attorneys "whose legal accomplishments belie their age"—and by *Illinois Super Lawyers* in multiple years. She was most recently recognized for her work defending several Fortune 500 companies in two high-profile class action cases alleging market manipulation, fraud, and antitrust claims worth billions of dollars and involving commodity futures contracts and options.

Ms. Allen has represented clients both as plaintiffs and defendants. On the plaintiff side, she was part of the team representing a bankruptcy trustee asserting over \$1 billion in claims in dozens of cases seeking damages from a large bank, multiple broker-dealers, an auditor, and other entities on behalf of innocent investors. This included prevailing on a \$300 million fraudulent transfer claim against Bank of New York Mellon, which involved three Seventh Circuit appeals and resulted in a landmark ruling in fraudulent transfer law.

On the defense side, Ms. Allen has defended a variety of clients—including broker-dealers, investment advisors, large energy companies, multi-national food and beverage companies, grain merchants, and an industrial supply company—in a range of matters, including criminal cases initiated by the Department of Justice and Internal Revenue Service, enforcement actions initiated by the CFTC and SEC, FINRA arbitrations, and class action cases involving claims such as market manipulation, securities fraud, bribery, antitrust violations, and breach of fiduciary duty and breach of contract claims.

Ms. Allen devotes a substantial number of hours to pro bono clients and has tried several cases on their behalf. As one example, she briefed and successfully argued an appeal on behalf of a pro bono client before the US Court of Appeals for the Seventh Circuit, which resulted in the court vacating an adverse judgment and ordering a new trial for the client.

Ms. Allen is also a member of the firm's Diversity and Inclusion Committee, and devotes substantial time to championing and improving diversity and inclusion at the firm.

Prior to joining Jenner & Block, Ms. Allen worked for DaimlerChrysler AG in their Human Resources and Corporate Union Relations Departments. During that time, she participated in labor contract negotiations between DaimlerChrysler and the UAW and was responsible for investigating and responding to charges filed against DaimlerChrysler with the National Labor Relations Board and Equal Employment Opportunity Commission.



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PRACTICE GROUPS

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Securities Litigation and Enforcement
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Solutions

INDUSTRY GROUPS

Environmental, Social, and Governance

EDUCATION

University of Michigan Law School, JD, 2008;
cum laude

University of Michigan, Ross School of
Business, BBA, 2003; Concentrations in
Finance & Management; *with distinction*

ADMISSIONS

Illinois, 2008

COURT ADMISSIONS

US Court of Appeals, Seventh Circuit,
2013

US District Court, Southern District of Illinois,
2010

US District Court, Northern District of Illinois,
2008

Ms. Allen has a broad range of experience in complex commercial litigation matters, with a particular focus on CFTC and SEC investigations and enforcement actions, commodities and securities class actions, financial fraud litigation, government litigation and investigations and internal investigations. Ms. Allen's recent representative matters include:

CFTC & SEC Investigation and Enforcement Actions:

- Defending major food and beverage companies against a CFTC enforcement action in federal court alleging commodity manipulation and anti-trust violations.
- Representing senior partner of a major accounting firm in an SEC insider trading investigation.
- Representing a broker dealer and investment advisor in an SEC investigation of an allegedly fraudulent investment scheme, which resulted in no changes against the clients.
- Defending an individual client in an SEC enforcement action related to allegedly fraudulent real-estate investment scheme.

Commodities & Securities Class Actions and Financial Fraud Litigation:

- Defending major food and beverage companies in a civil class action in federal court alleging commodity manipulation and anti-trust violations.
- Defending large grain merchandizer in a civil class action in federal court alleging commodity manipulation and anti-trust violations.
- Defending client in a civil class action in federal court against claims that the client aided and abetted a multi-billion dollar Ponzi scheme.
- Representing senior partner of major accounting firm in civil action in Delaware state court alleging insider trading and breach of partnership agreement.
- Representing senior executive in civil action in Delaware state court alleging fraud in connection with a multi-million dollar corporate purchase transaction.
- Obtaining dismissal of FINRA arbitration related to the client's issuance of auction rate securities.

Government Litigation & Investigations:

- Investigating embezzlement on behalf of a Fortune 500 company and presenting findings to FBI and Department of Justice officials, which resulted in guilty plea of embezzling party and no adverse action against the client.
- Winning a new trial for a client in what was described as the largest tax shelter fraud prosecution in US history.
- Successfully resolving without litigation a Department of Justice investigation of a Fortune 500 company for alleged violations of the False Claims Act seeking over \$1 billion in damages.
- Successfully representing client in an FBI investigation related to an alleged multi-million dollar illegal gambling ring, which resulted in no charges against the client.
- Successfully representing a client in IRS and FinCEN (Department of Treasury) investigations related to Bank Secrecy Act compliance, which resulted in no charges against the client.

Internal Investigations:

- Investigating potential Foreign Corrupt Practices Act violations made by the South American subsidiary of a private investment firm.
- Investigating the submission of potentially false or misleading information to regulators by a Fortune 500 company.
- Investigating the leak of proprietary information related to a multi-million dollar corporate purchase transaction.
- Investigating alleged irregularities in the competitive bidding process for a multi-million dollar government contract.
- Investigating alleged misconduct by the Chief Executive Office of a government agency.

Awards

- *Illinois Super Lawyers*
"Rising Star," Criminal Defense: White Collar - 2012-2020
- National Association of Professional Women
Woman of the Year, 2011/2012

Service To The Bar

- Chicago Bar Association
Member, 2008

Community Involvement

- Foundations of Music, Member, Junior Board of Directors
- University of Michigan Law Alumni Club of Chicago, Member

Publications

- Co-Author, "Memorandum Providing an Overview of Illinois Laws Governing the Collection and Access to Criminal Justice Data", June 8, 2020
- *Memorandum Concerning the Securities and Exchange Commission and the Commodity Futures Trading Commission*, The Volcker Alliance, April 20, 2015
- *Protecting Confidential Legal Information: A Handbook for Analyzing Issues under the Attorney-Client Privilege and Work-Product Doctrine*, Jenner & Block, 2012
- Co-Author, *Protecting Confidential Legal Information: A Handbook for Analyzing Issues Under the Attorney-Client Privilege and the Work-Product Doctrine*, April 2011

Speaking Engagements

- "Pro Bono Opportunities in Private Practice," University of Michigan Pro Bono Institute, September 01, 2014
- "Co-chairing a Jury Trial Through Municipal Court Pro Bono Program," Municipal Court Advisory Council, March 05, 2014
- "From Summer Associate to 5th Year Associate: Charting Your Success in Big Law," University of Michigan Law School, November 7, 2013, Ann Arbor, Michigan, November 07, 2013