



Meghan E. Flinn

Partner

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OVERVIEW

Meghan Flinn is a partner in the Investigations, Enforcement, and White Collar group in the Washington, D.C. office. She focuses her practice on government investigations and enforcement actions, internal investigations, and complex regulatory and private litigation matters at the trial and appellate level.

Meghan represents individuals, investment advisers, broker-dealers, public companies, banks, and other financial institutions before various state and federal regulators and enforcement authorities. These include the Securities and Exchange Commission (SEC), the Consumer Financial Protection Bureau (CFPB), the U.S. Department of Justice (DOJ), the Financial Industry Regulatory Authority (FINRA), and state banking and securities regulators. Meghan has extensive experience defending and counseling clients at each juncture of a government investigation, including with respect to subpoena responses, investigative testimony, and Wells submissions. She also represents clients in connection with government enforcement proceedings and litigation, investor lawsuits and class actions, and arbitrations with a concentration on securities and financial services.

Her experience extends to defending and counseling clients in matters concerning, among other things:

- Insider trading, disclosure issues, sales practice violations, and other securities fraud allegations
- Gatekeeper or secondary liability under the securities laws
- Section 36(b) of the Investment Company Act of 1940
- Mutual fund board policies and procedures, including Section 15(c) of the Investment Company Act of 1940
- Foreign Corrupt Practices Act (FCPA) and other anti-corruption and anti-bribery laws
- Compliance and supervisory issues
- DOJ and qui tam claims asserted under the False Claims Act (FCA)
- Receiverships in SEC enforcement cases
- Collateral consequences and statutory disqualifications under the federal securities laws
- Regulatory examinations, including responses to exam deficiency letters

Additionally, Meghan assists clients with internal investigations to assess potential civil or criminal exposure in these and other areas.

Meghan is co-chair of the Washington, D.C. office's women in the profession committee. She is also a member of the Young Professionals Committee of the Women in White Collar Defense Association, the Women in Law Empowerment Forum D.C. Young Lawyers Committee, and the Women's Bar Association of the District of Columbia. Meghan has been selected to the 2020, 2021, and 2022 Washington, D.C. Rising Stars list in the area of White Collar Defense.

Meghan is involved in various pro bono matters at K&L Gates, including representing a client in federal habeas proceedings and conducting research on behalf of a local victims' rights organization.

Prior to joining the firm, Meghan had the privilege of serving as a law clerk for the Honorable Joseph R. Goodwin for the U.S. District Court for the Southern District of West Virginia, where she assisted in managing the civil docket and the multidistrict (MDL) docket that contained over 70,000 product liability actions. In addition, she worked as a judicial extern for the Honorable Robert B. King for the U.S. Court of Appeals for the Fourth Circuit.

PROFESSIONAL / CIVIC ACTIVITIES

- Women in White Collar Defense Association (2019-present)
- Women in Law Empowerment Forum (WILEF), Washington, DC Chapter, Young Lawyers Committee Member (2019-2022)
- Women's Bar Association of the District of Columbia (2018-present)

SPEAKING ENGAGEMENTS

- Panelist, Enforcement and Examinations, 2 November 2022, K&L Gates Asset Management and Investment Funds Conference, Washington, D.C.
- Panelist, "Attorney-Client Privilege for Financial Institutions in Internal Investigations, Audits, and Bank Regulatory Exams: Confidential Information and Work Product; Bank Examination Privilege; Section 1828 Selective Waiver," Strafford Publications CLE Webinar (January 2019)

EDUCATION

- J.D., Washington and Lee University School of Law, 2014 (*magna cum laude*; *Executive Editor*, *Washington and Lee Law Review*; *Order of the Coif*)
- B.A., West Virginia University, 2011 (*summa cum laude*, *Phi Beta Kappa*)

ADMISSIONS

- Bar of District of Columbia

- Bar of Maryland
- Bar of West Virginia (Active Not Practicing)
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Second Circuit
- United States District Court for the District of Maryland
- United States District Court for the Southern District of West Virginia

THOUGHT LEADERSHIP *POWERED BY HUB*

- 14 May 2024, Handling Allegations of Non-Compliance: Internal Investigations and Self-Reporting
- 2 November 2023, Asset Management and Investment Funds Fall Conferences - Washington, D.C.
- 1 November 2023, The SEC Publishes 2024 Examination Priorities Ahead of Schedule, Previewing Key Areas of Focus for Registered Entities
- 31 October 2023, Addressing Whistleblower Claims Under Sarbanes-Oxley and Beyond: US Supreme Court Hears Argument on Burden of Proof Requirements
- 6 April 2023, Fifth Circuit Affirms Dismissal of Derivative Suit Against Mutual Fund Adviser and Trustees
- March 2023, Embracing Equity: Gender Equity, Intersectionality, and Elimination of Glass Ceilings
- 11 April 2022, The SEC's Division of Examinations Publishes 2022 Examination Priorities and Previews Key Focus Areas for Registered Investment Advisers and Broker-Dealers
- 21 December 2020, 2021: A New Year, the Same Fear - Why Companies Should Expect a Wave of PPP Investigations
- 22 October 2020, SEC Speaks 2020: Enforcement and Examination Highlights
- 3 July 2019, Court Grants Summary Judgment to Defendant Investment Adviser in Section 36(b) Excessive Fee Lawsuit
- 18 January 2019, An Update on False Claims Act Litigation: Circuit Splits and Other Developments in 2018
- 28 February 2018, Supreme Court Resolves Debate Over the Scope of the Dodd-Frank Whistleblower Protection Provisions
- 7 December 2017, Takeaways from the 34th International Conference on the Foreign Corrupt Practices Act
- 30 May 2017, D.C. Circuit Considers Reversal of Earlier Decision and May Declare SEC Administrative Law Judges Inferior Officers Subject to Appointment

- 10 January 2017, Tenth Circuit Decision Finds Against the SEC and Creates a Circuit Split on the Constitutionality of the Commission's ALJs
- 5 July 2016, The First Ninety Days of the FCPA Unit's Pilot Program
- 30 November 2015, Second Circuit Filing Re-Ignites Debate over the Scope of the Dodd-Frank Whistleblower Protection Provisions

OTHER PUBLICATIONS

- "SEC and CFTC Whistleblower Rules and Anti-Retaliation Protections," Practical Law Institute, Investment Adviser Regulation Treatise, Mar. 2021
- "Satisfying the Banking Regulator's "Right to Know" While Maintaining Confidentiality of Privileged Material: The Privileges and Protections Available to Banking Institutions," *Journal of Taxation and Regulation of Financial Institutions*, Spring 2017
- A Continuing War with Asbestos: The Stalemate Among State Courts on Liability for Take-Home Asbestos Exposure, 71 Wash. & Lee L. Rev. 707 (recipient of the 2013 Roy L. Steinheimer Award for outstanding student Note)

NEWS & EVENTS

- 19 December 2022, K&L Gates Adds 40 Lawyers to Firm's Partnership

AREAS OF FOCUS

- White Collar Defense and Investigations
- Anti-Bribery and Anti-Corruption
- Securities and Transactional Litigation
- Securities Enforcement / Financial Regulatory Enforcement
- U.S. Congressional Investigations

REPRESENTATIVE EXPERIENCE

REGULATORY INVESTIGATIONS AND ENFORCEMENT MATTERS

- Represented a major international and publicly-traded construction company in responding to FCPA and related inquiries from the DOJ and SEC FCPA Units.
- Advised a mortgage lender in a False Claims Act investigation brought by the DOJ and the Department of Housing and Urban Development ("HUD") concerning the origination of FHA loans under the Direct Endorsement Lending program.

- Represented an oil and gas company in responding to a grand jury subpoena relating to a potential bribery scheme.
- Defended a sales supervisor at a large broker-dealer in an investigation brought by the SEC's Public Finance Abuse Unit, resulting in the declination of an enforcement action.
- Assisted a large bank in responding to a CFPB investigation and civil investigative demands arising from a mortgage servicing examination.
- Advised an investment adviser in responding to a subpoena issued by the Investor Protection Bureau of the Office of the New York Attorney General relating to mutual fund disclosures.
- Defended an attorney in an SEC investigation of potential secondary fraud liability, resulting in the declination of an enforcement action.
- Defended an investor relations professional at a technology company in an SEC investigation of a potential Regulation FD violation, resulting in the declination of an enforcement action.
- Defended registered representative in FINRA investigation and subsequent litigation involving allegations relating to certain outside business activities and private securities transactions.

INTERNAL INVESTIGATION MATTERS

- Assisted an international energy company in conducting an internal investigation of alleged employee misconduct arising from a whistleblower report.
- Conducted an internal investigation for an investment adviser relating to certain portfolio management policies, procedures, and practices.
- Assisted a technology client with an internal investigation concerning information security practices.
- Led an internal investigation of potential employee misconduct for a local non-profit organization.

LITIGATION MATTERS

- Obtained summary judgment on behalf of a mutual fund provider in a lawsuit brought in federal district court alleging excessive advisory fees under Section 36(b) of the Investment Company Act and defended the client in the appeal of the dismissal, which was affirmed by the Second Circuit.
- Represented a national bank in an FHA lawsuit filed by county governments challenging mortgage loan origination, servicing, and foreclosure practices.
- Represented a dually-registered broker-dealer and investment adviser in an investor class action and FINRA arbitrations brought by customers alleging claims relating to product due diligence and suitability review, including an arbitration matter that was dismissed in full following a multiple-day hearing.
- Defended Chinese manufacturing company in an investor class action filed in federal district court asserting claims relating to alleged stock price manipulation.
- Successfully obtained dismissal of a breach of contract claim on behalf of global manufacturer at the pleadings stage in federal district court and on appeal before the Fourth Circuit.

- Defended a wealth management firm in a lawsuit brought by the court-appointed receiver to a receivership organized as part of an SEC enforcement action.
- Pursued a habeas petition at the federal district and appellate level on behalf of a client relating to the constitutionality of his criminal conviction as a juvenile.