



D. McNair Nichols, Jr.

Associate

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OVERVIEW

McNair Nichols is licensed to practice in the District of Columbia and Virginia. He is not currently admitted in North Carolina.

McNair Nichols is an associate in the firm's Research Triangle Park, N.C. and Washington, D.C. offices. His practice focuses on internal investigations, government enforcement, and white-collar defense. McNair represents companies and individuals across a variety of industries who are subject to government investigations, enforcement, and other regulatory actions. He has served as counsel for individuals, broker-dealers, investment advisers, cryptocurrency exchanges, banks, publicly-traded companies, hospitals, and other entities in connection with investigations and enforcement inquiries from the Securities and Exchange Commission (SEC), the Financial Industry Regulatory Authority (FINRA), the Department of Justice (DOJ), U.S. Attorneys' Offices, and a wide range of state regulatory authorities.

His experience includes, among other things, matters related to:

- Allegations of federal and state securities law violations, including issues of public disclosure, insider trading, accounting practices and financial reporting, securities registration, investment adviser and broker-dealer registration, finders fees, market manipulation, breach of fiduciary duties, supervision, and "selling away."
- Regulatory compliance and enforcement inquiries involving cryptocurrencies, digital assets, and blockchain technology.
- DOJ and qui tam actions asserted under the False Claims Act (FCA).

In addition, McNair has experience handling internal investigations for companies, and their boards of directors, audit committees, and special committees, regarding a wide range of civil and criminal issues, assessing potential legal exposure, and advising regarding related disclosure considerations and resolution.

McNair represents health care clients in connection with civil and criminal government investigations, internal investigations, and civil litigation with respect to issues including the FCA, Stark Law, and Anti-Kickback Statute.

McNair engages in pro bono matters at K&L Gates, including the representation of a client in federal habeas proceedings and participating in efforts to identify and remedy wrongful convictions.

PROFESSIONAL BACKGROUND

Before joining the firm, McNair served as a judicial intern for the Honorable Eric G. Bruggink of the United States Court of Federal Claims. In addition, he worked as a legal extern at the Office of General Counsel at Washington and Lee University. McNair was a summer associate at K&L Gates in 2016.

EDUCATION

- J.D., Washington and Lee University School of Law, 2017 (*magna cum laude*; *Editor in Chief, Washington and Lee Law Review*; *Omicron Delta Kappa*)
- B.A., Wheaton College, 2014 (*cum laude*)

ADMISSIONS

- Bar of District of Columbia
- Bar of Virginia
- Not Admitted in North Carolina
- United States District Court for the District of Columbia
- United States District Court for the Eastern District of Virginia
- United States District Court for the Western District of Virginia

THOUGHT LEADERSHIP POWERED BY HUB

- 14 February 2024, SEC Enforcement Targets Anti-Whistleblower Practices in Financial Firm's Release Agreements With Retail Clients
- 5 February 2024, SEC and FINRA Broker-Dealer Enforcement: Recapping 2023 and Previewing 2024
- 25 January 2024, SEC's Settlement With BarnBridge DAO: Implications for the Future of DeFi
- 15 November 2022, Litigation Minute: Batten Down the Hatches: Best Practices to Weather the Storm of a Government Investigation
- 8 November 2022, Litigation Minute: Staying Informed of Government Enforcement Priorities and Trends
- 4 February 2021, They Know What You Did Last Summer: DOJ Announces First Civil Settlement Involving PPP Borrower
- 20 March 2020, COVID-19: Protecting Critical Health Resources to Prevent the Spread of COVID-19: President Trump's Executive Order Gives HHS Secretary Azar Broad Supply Chain Authority

- 16 March 2020, COVID-19: Get Ready — The Government May Invoke an Old but Powerful Tool, The Defense Production Act; Some Basics Regarding Government Contractor Rights and Obligations
- 13 March 2020, COVID-19: Government Contracts, Small Businesses and European Travel Restrictions -- Assessing the White House's Response
- 11 March 2020, COVID-19: "Not My Fault!" — Potential Safe Harbors for Federal Contractors with Supply Chains Disrupted by Coronavirus

OTHER PUBLICATIONS

- "Implications For Digital Assets After SEC Settlement With DAO," *Law360*, 13 February 2024
- "Parallels in the SEC's Approach to Cybersecurity for Market," *Bloomberg Law*, 2 August 2018

MEDIA MENTIONS

- Mentioned, "Nuclear technology spat heads to Korean centre," *GlobalArbitrationReview.com*, 18 November 2022

AREAS OF FOCUS

- White Collar Defense and Investigations
- Federal, State, and Local False Claims Act
- Financial Institutions and Services Litigation
- Government Contracts and Procurement Policy
- Securities and Transactional Litigation
- Securities Enforcement / Financial Regulatory Enforcement
- U.S. Congressional Investigations
- U.S. National Security Law and Policy

INDUSTRIES

- Digital Assets, Blockchain Technology and Cryptocurrencies
- Technology