

# John C. Dwyer

Partner



dwyerjc@cooley.com

+1 650 843 5228

Palo Alto

Crisis Management

Commercial Litigation

International Anti-Corruption/FCPA

Securities Litigation + Enforcement

Shareholder Activism

White Collar Defense and Investigations

False Claims Act/Qui Tam/FIRREA

Issues and Appeals

John C. Dwyer is a member of the firm's board of directors. His practice includes a variety of litigation, negotiation and counseling services in both civil and criminal matters. He has developed substantial expertise in numerous areas, including securities law; officer and director liability matters; mergers and acquisitions litigation; antitrust; white collar litigation and professional liability matters.

John has successfully represented a wide range of public companies and their officers and directors in actions arising under federal and state securities laws. He regularly represents such clients in civil class actions as well as in investigations and proceedings brought by the Securities & Exchange Commission and the US Department of Justice. John secured a major victory for Rigel Pharmaceuticals resulting in an important decision by the US Court of Appeals for the Ninth Circuit with significant implications for all publicly-traded life sciences companies.

He also has extensive experience litigating cases arising from corporate acquisitions and other major corporate transactions. He has handled such cases in Delaware courts as well as other courts around the country.

John also has substantial antitrust expertise. He has represented major US and foreign corporations in criminal antitrust matters involving the US Department of Justice and other competition authorities around the world. He also has substantial expertise representing such clients in civil antitrust litigation.

In addition to representing clients in federal and state courts, John regularly advises public and private companies and their officers and directors on a broad range of issues regarding fiduciary duties, disclosure matters, litigation strategy and compliance matters. He has also conducted numerous special investigations into allegations of possible misconduct on behalf of corporate boards and board committees.

Representative corporate clients include Adobe, AMAG Pharmaceuticals, Brocade Communications Systems, Dow Chemical, eBay, Ernst & Young, Gilead Sciences, Jazz Pharmaceuticals, Medivation, NVIDIA, Power Integrations, Rigel Pharmaceuticals, Sony and Zynga.

John is regularly recognized by major publications – including Chambers, Legal 500, Lawdragon, and Best Lawyers in America – for his superior legal skills. Most recently, he was named 2022 Lawyer of the Year for Bet-the-Company Litigation by Best Lawyers, 2018 Lawyer of the Year for Securities Litigation by Best Lawyers, 2017 Lawyer of the Year for Bet-the-Company Litigation by Best Lawyers, and was also recognized as one of Northern California's "Super Lawyers" in four categories: antitrust, securities litigation, commercial litigation and "Bet the Company" litigation. In 2005, John was named California Lawyer of the Year in securities law by California Lawyer magazine in recognition of, among other things, his successful defense of an enforcement action brought by the Securities & Exchange Commission against Siebel Systems and two of its officers in the only successful defense of an SEC action seeking to enforce

Regulation FD. Also in 2005, a major pro bono litigation brought and won by John on behalf of legal immigrants against the United States Department of Justice and Department of Homeland Security was recognized by the National Law Journal as one of the top four pro bono cases nationally.

Prior to joining the Firm, John served from January to December 1997, as the acting associate attorney general for the US Department of Justice. He was selected for the post, the third highest in the Department of Justice, by President Clinton. As acting associate attorney general, he oversaw the Department's Antitrust, Civil, Environment and Natural Resources, Civil Rights and Tax divisions. From 1993 to 1997, John served as deputy associate attorney general. In that capacity, he served as a senior advisor to Attorney General Janet Reno on a wide variety of civil and criminal enforcement issues and acted as a primary liaison with the White House Counsel's Office. Prior to attending law school, John worked as an auditor at Arthur Andersen & Co.

## Education

Harvard Law School  
JD, 1988

University of California, Berkeley  
BA, 1984

## Admissions & Credentials

California

District of Columbia

## Court Admissions

Supreme Court of the United States

## Rankings & Accolades

BTI: 2020 Client Service All-Stars for Litigation

Best Lawyers: 2018 Lawyer of the Year for Securities Litigation

Chambers USA: Band 1 for Litigation: Securities – California (2022 – 2023)

Chambers USA: Litigation: Securities – California (2020 – 2021)

Best Lawyers: 2017 and 2022 Lawyer of the Year for Bet-the Company Litigation

Northern California's "Super Lawyers" in Antitrust, Securities Litigation, Commercial Litigation and Bet-the Company Litigation

## Memberships & Affiliations

American Bar Association