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Related Practice Areas

- Antisemitism and Anti-Terrorism
- Appellate
- Artificial Intelligence ("AI")
- Commercial Litigation
- Constitutional Law
- Foreign Agents Registration Act (FARA)
- Government and Congressional Investigations
- Privacy Law
- State Attorneys General

Kellen Dwyer

Partner

A former federal prosecutor, Kellen Dwyer is a fearless litigator with a record of winning difficult and novel cases. He has successfully tried cases and argued appeals in a variety of areas, including criminal law, cybersecurity & privacy, constitutional law, complex fraud, and national security. Companies and prominent individuals turn to Kellen when facing federal investigations and indictments, which he has resolved with complete dismissals, declinations, misdemeanor and non-prosecution agreements, and presidential pardons. In his civil practice, Kellen has brought affirmative cases on behalf of individuals, corporations, and sovereign states to challenge government overreach, vindicate rights, and expose misconduct. Kellen has a perfect record in both jury trials and appellate arguments: he has twice obtained reversals of jury verdicts on appeal and he won every trial and appeal during his six years at the Justice Department.

As an Assistant U.S. Attorney in the Eastern District of Virginia, Kellen obtained a hacking indictment against Julian Assange and represented the United States at Assange's extradition hearings. He also received the Attorney General's Award for leading the trial and arguing the appeal in a case charging a purported "antivirus company" with aiding and abetting the 2013 cyberattack on Target Stores. Kellen won convictions in dozens of cases involving hacking, wiretapping, fraud, conspiracy/RICO, public corruption, national security, and intellectual property.

Kellen was later promoted to Deputy Assistant Attorney General of DOJ's National Security Division (NSD), where he ran NSD's Appellate Unit, which represents the DOJ in civil and criminal appeals affecting national security and advises on sensitive prosecutions involving export controls, sanctions, trade secrets, and the Foreign Agents Registration Act (FARA). In that role, Kellen oversaw the defense of President Trump's TikTok and WeChat bans and successfully sought certiorari in civil cases interpreting the Foreign Intelligence Surveillance Act and the State Secrets doctrine.

Education

- Yale Law School, J.D.
 - *Yale Law Journal*, Notes Editor
 - Teaching Assistant for Akhil Amar, Constitutional Law
 - Moot Court, Semifinalist and Board Member
- Gettysburg College, B.A., *summa cum laude*
 - Phi Beta Kappa

Bar & Court Admissions

- District of Columbia Bar
- Virginia Bar
- New York Bar
- U.S. District Court, Southern and Eastern Districts of New York

- U.S. District Court, Eastern District of Virginia
- U.S. Courts of Appeals for the First, Second, Fourth, Sixth, Ninth and D.C. Circuits
- Supreme Court of the United States

Clerkship/Government Experience

- Deputy Assistant Attorney General, Department of Justice, National Security Division
- Assistant U.S. Attorney, Eastern District of Virginia
- Law Clerk, Hon. Diarmuid F. O'Scannlain (9th Circuit)
- Law Clerk, Hon. Kenneth M. Karas (S.D.N.Y.)

Representative Matters

Criminal Defense & Government Investigations

- Obtained misdemeanor resolution for tech founder charged in four-felony federal indictment alleging violations of the Computer Fraud & Abuse Act (CFAA).
- Obtained presidential pardon for DC police officer charged with murder and obstruction of justice for pursuing a suspect who fled a lawful stop.
- Obtained complete dismissal of federal felony indictment charging a commercial airline pilot with violate threats.
- Represented Dell's former CFO in challenge to SEC's Officer & Director Bar.
- Defended company targeted by DOJ's Public Integrity Section for alleged bribes. While investigation led to indictment of U.S. congressman, our client was not charged.
- Defended London-based executive in a price-fixing investigation conducted by the DOJ's Antitrust Division. Investigation closed with no charges.
- Represented major financial institution in investigations by the CFPB and several state attorneys general.

Cybersecurity & Privacy Litigation

- Represented T-Mobile in multidistrict litigation arising from data breach affecting over 40 million customers and prospective customers.
- Represented UnitedHealthcare in litigation and investigations arising from Change Healthcare data breach affecting the personal information of over 192 million individuals.
- Represented Facebook and its officers and directors in securities class actions and shareholder derivative suits arising from its initial public offering.
- Obtained complete dismissal of hacking suit filed in the Eastern District of New York against prominent Fintech executive.
- Defended multiple Fortune 500 companies in data security and privacy investigations by the Securities and Exchange Commission, Federal Communications Commission, state attorneys general, and N.Y. Division of Financial Services.
- Representing the States of Texas, Iowa, and Nebraska in ongoing litigation against Roblox for unfair and deceptive trade practices related to its social gaming platform.
- Representing political consultant in First Amendment and malicious prosecution claims arising from wrongful arrest for cyberstalking.

Appellate, Constitutional & Political Litigation

- Representing Professor Amy Wax in lawsuit against the University of Pennsylvania for violation of the academic freedom protection in her tenure contract.
- Representing 504(c)(4) nonprofit in First Amendment challenge to New York campaign financing laws. Appeal is pending before the Second Circuit.
- Successfully obtained vacatur of conviction in the D.C. Circuit on behalf of police officer convicted of second-degree murder and obstruction of justice.
- Represented actor Don Johnson in defending the appeal of \$29.3 million jury verdict that Johnson obtained against his former production company over royalties from the show *Nash Bridges*.
- Successfully defeated preliminary injunction on behalf of former U.S. congressman in the Eastern District of Virginia.
- Successfully argued in the U.S. Court of Appeals for the Sixth Circuit in a habeas case on behalf of pro bono client who was wrongfully convicted of manslaughter.
- Representing former secret service agent in appeal of assault conviction.
- Representing police officer in Tenth Circuit appeal of conviction for deliberate indifference to medical needs.
- Led the National Security Division's Appellate Section and had responsibility over all DOJ criminal and civil appeals involving national security issues, including in cases before the Supreme Court, the federal circuit courts, and the Foreign Intelligence Surveillance Court of Review.
- Successfully argued several cases in the U.S. Court of Appeals for the Fourth Circuit as a federal prosecutor, including precedent-setting cases regarding CFAA, liability for online platforms for conspiracy and aiding and abetting, the right to interlocutory appeals, and several evidentiary, jury instruction, and jurisdictional issues.

National Security & Antiterrorism Litigation

- Representing three Israeli citizens who were abducted on October 7, 2023 in a lawsuit under the Alien Torts Statute against the Palestine Chronical whose correspondent held them hostage for six months.
- Defended government contractor in an investigation by the DOJ's National Security Division and the Eastern District of Virginia into alleged violations of the CFAA and the Wiretap Act. DOJ dropped case after multi-year investigation.
- Defended company in investigation by DOJ's National Security Division for alleged FARA violations. Investigation was closed without charges against our client.
- Led internal investigation on behalf of multiple U.S. companies into FBI national security allegations concerning a foreign company. Matters involved extensive coordination with the FBI, including in a classified setting.
- Led an internal investigation, on behalf of a U.S. technology company, into suspected state-sponsored intellectual property theft.
- Advised major corporations and prominent individuals on compliance with FARA.

News & Insights

- Supreme Court Opens the Door for Non-Profits Targeted by State Regulators to Sue in Federal Court to Protect Their Donor Information

- Holtzman Vogel Files Suit on Behalf of American Future Fund Challenging NYS Regulations Under First Amendment
- FARA Enforcement Gets a Major Shake-Up Under New Presidential Directive
- Holtzman Vogel Files Amicus Brief on Behalf of 23 State Attorneys General Supporting President Trump in DC Crime Lawsuit
- In-Compliance - Holtzman Vogel's July 2025 Political Law Update
- New York's Public Campaign Finance Program Goes on Trial: The Dao Ying Prosecution
- Defending America's Sovereignty Through FARA – Sun Case Exposes States' Vulnerabilities
- Holtzman Vogel Launches State Attorneys General Practice Group, Tapping Deep Bench of Veterans as Go-To Firm for High-Stakes Matters
- IHC Update: Protecting Your Company from the Inside – Analyzing New Administration Policies, Opposing State AG Policies, and Internal Pressures
- Holtzman Vogel Nabs Former Trump DOJ Official In DC
- Holtzman Vogel Expands Government Investigations and White-Collar Expertise with Addition of Former Deputy Assistant Attorney General and Assistant U.S Attorney Kellen Dwyer

Community Involvement

- Criminal Justice Act Panel (Eastern District of Virginia)
- Morris Tyler Moot Court, Board of Directors

Awards & Honors

- Lawdragon 500 Leading Global Cyber Lawyer (2025)
- Attorney General's Award for Distinguished Service (2019)
- Federal Bureau of Investigation – Washington Field Office, Public Service Award (2018)
- *Super Lawyer's* "Rising Star" in Securities Litigation (2014)

Publications

- Supreme Court Opens the Door for Non-Profits Targeted by State Regulators to Sue in Federal Court to Protect Their Donor Information
- FARA Enforcement Gets a Major Shake-Up Under New Presidential Directive
- In-Compliance - Holtzman Vogel's July 2025 Political Law Update
- New York's Public Campaign Finance Program Goes on Trial: The Dao Ying Prosecution
- Defending America's Sovereignty Through FARA – Sun Case Exposes States' Vulnerabilities

Selected Bylined Publications

- "The Fallout from the First Trial of a Corporate Executive for Covering Up a Data Breach," *LAWFARE* (Oct. 22, 2022)
- "The Best Way To Stop Ransomware: Be Proactive, Not Reactive," *Wall Street Journal*. (Sept. 7, 2021)
- "How Tech Companies Can Guard Against DOJ Gag Orders," *LAW360* (July 22, 2021)

- "It's Time to Surge Resources into Prosecuting Ransomware Gangs," *LAWFARE* (May 20, 2021)

Selected Media Quotes

- "Tech CEO Charged with Fraud Over Security, Reliability Claims," *Wall Street Journal* (Oct. 18, 2024)
- "The Supreme Court Hunt for Who Leaked Draft Roe v. Wade Opinion Has No Road Map," *Wall Street Journal* (May 5, 2022)
- "Justice Department to Fine Contractors for Not Reporting Cyber Incidents," *Wall Street Journal* (Oct. 7, 2021)
- "Merrick Garland Restricts Federal Prosecutors from Seeking Reporters' Records," *Wall Street Journal* (July 19, 2021)
- "Biden Administration to Blame Hackers Tied to China for Microsoft Cyberattack Spree," *Wall Street Journal* (July 19, 2021)

Speaking Engagements

- IHC Update: Protecting Your Company from the Inside – Analyzing New Administration Policies, Opposing State AG Policies, and Internal Pressures