

## David A. Shargel

Partner

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Dave Shargel represents companies and executives in both internal and government investigations, as well as complex commercial disputes and arbitrations, across a wide range of business sectors and circumstances. He has experience representing clients before the Securities and Exchange Commission (SEC), the Department of Justice (DOJ), and the Commodity Futures Trading Commission (CFTC), among other regulators. His litigation experience includes contract disputes, shareholder disputes, business valuation, insurance coverage, civil RICO, and fraud, across a wide range of business sectors and circumstances. He also handles real estate, aviation, construction and employment disputes, as well as matters involving constitutional law, such as under the Commerce and Due Process clauses. Dave has also successfully defended consumer class actions, such as those involving the Americans with Disabilities Act (ADA) and food labeling.

Dave is also highly adept at leveraging legal technology in his practice. He leads the firm's ePractice Department, assisting clients and other Bracewell lawyers with best practices and guidance concerning electronically stored information (ESI) and digital forensics.

Dave devotes his pro bono efforts to clients in a variety of subject matters, including asylum and landlord-tenant disputes. Dave also serves as an adjunct professor of legal writing at Brooklyn Law School.

### **Industries**

[Energy](#)

[Finance](#)

[Real Estate](#)

### **Practices**

[Cryptocurrency & Blockchain](#)

[Environmental, Social &](#)

[Governance \(ESG\)](#)

[Government Enforcement &](#)

[Investigations](#)

[Internal Investigations](#)

[Monitorships](#)

[Litigation](#)

[Construction Litigation](#)

[FCPA](#)

[Insurance Recovery](#)

## **Experience**

### **Digital asset firm**

- represented client in connection with investigations by various regulatory agencies, including the DOJ and SEC

### **Electricity trading firm**

- conducted internal investigation and responded to regulatory inquiries regarding electricity trading practices

### **Investment fund**

- represented client in connection with its investment in various film projects, including in civil RICO action against film producers

### **Waste management company**

- represented client in litigation over liability coverage

### **FTX US Derivatives**

- advising on various regulatory and commercial matters

### **International travel agency**

- obtained dismissal of claims alleging company website's non-compliance with Americans with Disabilities Act

### **Financial technology firm**

- defended against former managing director's fraudulent inducement and labor law claims in AAA arbitration

### **Plumbing fixture manufacturer and distributor**

- buyout proceeding under Section 1118 of the New York Business Corporation Law\*

### **Securities firm**

- defended against claims by a former employee alleging breach of contract and fraud\*

### **Seafood distributor**

- defending company and its owners against claims brought by the estate of a deceased partner\*

### **Private equity fund**

- defended several actions involving a Brazilian cargo airline

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## Private equity fund

- derivative action involving a California aerospace company

## Financial services company

- dispute concerning the availability of D&O insurance coverage

\* *Work completed prior to Bracewell*

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## Credentials

### Education

- Brooklyn Law School, J.D., 2005
- Kenyon College, B.A., 1999

### Bar Admissions

- New York

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## Recognition

### *The Legal 500 United States*

- Dispute Resolution – General Commercial Disputes, 2024

### Lawdragon Inc.

- *Lawdragon 500 Leading Litigators in America*, Commercial Litigation, 2024 – 2025

### U.S. District Court for the Southern District of New York

- Law Clerk

### Brooklyn Law School

- *Brooklyn Law Review*

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## Resources

### **New Guidance: SBA Clarifies That Foreign Employees Must Be Counted for PPP**

Update

## **SBA Revises Certification Rules: Safe Harbor for Loans Under \$2 Million, Larger Loans Still Subject to Audit**

Update

## **SBA Releases Long-Awaited PPP Forgiveness Application and Instructions**

Update

## **New Rules Issued Clarifying PPP Loan Forgiveness, Lender Responsibilities and SBA Review**

Update

## **Major Changes Coming To PPP With Paycheck Protection Flexibility Act**

Update

## **SBA Issues Fresh Guidance and Streamlined Forgiveness Application**

Update

## **Second Circuit Confirms U.S. Discovery Not Available in Private International Arbitrations**

Update

## **PPP Reboot Likely to Include Second Round of Funding for Distressed Businesses**

Update

## **New PPP Rules Governing M&A Transactions**

Update

## **What In-House Counsel Need to Know About Managing Environmental, Social and Governance Issues**

Video

## **Smarter Contracts on the Blockchain: A Conversation With Bracewell's Jeonghoon Ha**

Podcast

## **Crypto Bits x Bracewell Covered**

Podcast

## **Guide to Federal Reserve Main Street Loan Facilities and Primary Market Corporate Credit Facility**

Update

## **ESG Regulatory Landscape Creates Commercial Pitfalls**

Article

## **2021 ESG Seminar, Session 2**

Video

## **ESG Seminar: ESG Fundamentals and Litigation**

Video

## **Bitcoin Mining, Renewable Energy and ESG – What You Learn Will Surprise You, With Special Guest Ben Kincaid, Founding Partner of Bridger Solutions**

Podcast

## **Revisiting Force Majeure and Other Contractual Considerations Amid COVID-19**

Update

## **Compliance Isn't the Only 'AI Washing' Risk**

Article

## **IRS and Treasury Department Release Guidance on the Deductibility of Eligible Expenses under the Paycheck Protection Program**

Update

## **SEC Sends Warning Shot on COVID-Impact Disclosures**

Update

## **PPP 2.0: Expanded Lending For New and Existing Borrowers**

Update

## **Delaware Supreme Court Applies Delaware Law Even When Insured Is Headquartered Elsewhere**

Update

## **SEC Underscores ESG Disclosure and Compliance Priorities**

Update

## **Reverse Veil-Piercing Endorsed by Delaware Chancery Court**

Update

## **Generic ESG Statements Remain Under Fire: Class Certification Granted for the Third Time as the Saga of the Goldman Sachs Securities Litigation Continues**

Update

## **SEC Brings First Major ESG Enforcement Action**

Update

## **Supreme Court Set to Resolve Impasse Over US Discovery in International Arbitration**

Article

## **Litigation and Enforcement Impact of the SEC's Proposed Rules on Climate-Related Disclosure**

Update

## **Supreme Court Resolves Circuit Split Over 28 U.S.C. § 1782**

Update

## **SEC Notches Win in Cryptocurrency Registration Battle**

Update

## **Supreme Court Reaffirms Registering To Do Business May Subject You to Lawsuits**

Update

## **Questions Remain After Supreme Court Resolves Circuit Split Over Discovery in Arbitration Under 28 U.S.C. § 1782**

Article

## **Personal Devices and Messaging Platforms in the Workplace: Tips, Tactics and Best Practices for In-House Counsel**

Article

## **What is AI Washing? The SEC's Latest Target**

Update

## **Compliance Risk After SEC Warning Against 'AI Washing'**

Article

## **Innodata Suit Highlights ‘AI Washing’ Liability Risk for Cos.**

Article

## **An “Immutable” Force Meets an Immovable Object: OFAC’s Crypto Loss at the Fifth Circuit**

Update

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## **Publications & Speeches**

- "Compliance Isn't the Only 'AI Washing' Risk," *Legal Dive*, April 8, 2024.
- "Innodata Suit Highlights 'AI Washing' Liability Risk for Cos.," *Law360*, March 15, 2024.
- "Compliance Risk After SEC Warning Against 'AI Washing,'" *Law360*, January 3, 2024.
- "As The World Churns: Litigating Force Majeure, Impossibility, and Other Issues," Association of Corporate Counsel NYC Webinar, June 8, 2023.
- "Questions Remain After Supreme Court Resolves Circuit Split Over Discovery in Arbitration Under 28 U.S.C. § 1782," *Reuters Legal News and Westlaw Today*, June 28, 2022.
- "Supreme Court Set to Resolve Impasse Over US Discovery in International Arbitration," *Westlaw Today*, Thomson Reuters, May 5, 2022.
- "ESG Regulatory Landscape Creates Commercial Pitfalls," *Reuters Legal News and Westlaw Today*, November 19, 2021.
- "Valuing a Business," *Commercial Litigation in New York State Courts*, 2020 edition.