

## Lynch's Deputy Takes Over Eastern District Prosecutor's Office

BY ANDREW KESHNER

NOW that Loretta Lynch has become the U.S. attorney general, her top deputy in the Eastern District has stepped up to take her place in Brooklyn.

Kelly Currie, the first assistant U.S. attorney under Lynch for five months, on Monday became the acting Eastern District U.S. attorney, supervising a staff of approximately 170 attorneys and 129 support personnel.

Currie, 51, will face a number of closely watched, high-stakes matters on the office's to-do list: the ongoing civil rights probe into Eric Garner's death at the hands of a New York City police officer; an upcoming corruption trial against state Senator John Sampson; and a number of pending terrorism and national security cases, to name a few.

Currie did not comment Monday on his appointment. But attorneys who know Currie—an Eastern District prosecutor from 1999 to 2010 who returned in November after four years as a Crowell & Moring partner—say he has the requisite experience and judgment for the job and will maintain the same calm, even-keeled style of his predecessor.

"Kelly never seeks the spotlight, and I think he is a terrific match with Loretta because he just wants to get things right. He's very intellectual and smart, coupled with street smarts, which you need in Brooklyn," said Colleen Kavanagh, who worked with Currie in the Eastern District and is now a managing director at Stroz Friedberg.

Jack Smith, another former Eastern District colleague, said Currie was a "great trial attorney, great in court and an incredibly high character individual" respected by both law enforcement and the defense bar.

"If you don't like Kelly Currie, that says more about you than it says about Kelly Currie," said Smith, who is now the first assistant U.S. attorney in Tennessee's Middle District.

While not commenting on any particular case, Smith said Currie took his cues from the facts and the law, not any sort of public pressure.

One defense attorney, who squared off against Currie, said he found his adversary to be impressive. The attorney said there were "all types" of prosecutors, "some hyper-aggressive, some play kind of sharp. He was right down the middle in terms of fairness and decency."

Lynch asked Currie to return to the Eastern District before she was nominated to replace outgoing Attorney General Eric Holder Jr. Currie rejoined the office on Nov. 17.

Even before beginning his legal career, Currie was familiar with high-pressure situations with plenty of legal scrutiny.

Currie was born in Montana but grew up in Maine. Soon after receiving an undergraduate degree in business from the University of Virginia, he started working for former U.S. Sen. George Mitchell (D-Maine) in January 1987, first as a legislative correspondent and later as a deputy press secretary, handling in-state media.

Currie returned to the University of Virginia for his law degree and accepted a job out of law school in 1994 at Rogers & Wells as a litigation associate working on matters such as securities defense and white collar defense.

Rogers & Wells subsequently merged with Clifford Chance.

Meanwhile, Mitchell had become the chairman of political negotiations in Northern Ireland that would ultimately culminate in the 1998 Good Friday Agreement. As Mitchell worked on the accord after leaving office in 1995, he brought Currie back as a senior adviser from 1996 to 1998.

Currie, who is married and has two daughters, discussed his work on the accord in a Bowdoin College oral history interview. He said he dealt with media, participated in meetings when Mitchell was not there and met with Northern Ireland political party leaders as well as British and Irish government officials.

In an interview with the Law Journal, Mitchell, now a partner and chairman emeritus at DLA Piper, said Currie was "a tremendous person who conveys sincerity, thoughtfulness and even temperament. So I wanted him with me in what I knew would be an extremely difficult and sometimes dangerous assignment."

A former federal judge and U.S. attorney himself, Mitchell said he did not "think there could be a better choice than Kelly" for the job of top prosecutor in the Eastern District, later adding that Currie "gets along well with people, isn't intimidated, has a good manner and sense about him and a deep sense of justice."

Immediately after 9/11, Currie was one of roughly a dozen Eastern and dozen Southern District prosecutors who staffed an FBI command center around the clock for at least two months, giving legal advice to law enforcement officials conducting investigations.

Currie later became chief of the violent crimes and terrorism section and then deputy chief in the criminal division—roles that require working with multiple agencies and navigating varying agency "cultures" to build cases.

While a prosecutor, Currie tried 15 cases to verdict and argued more than a dozen appeals before the U.S. Court of Appeals for the Second Circuit. He was the lead prosecutor in a multi-defendant RICO case against members of a violent Brooklyn drug gang called the Four Horsemen.



Kelly Currie

He also obtained a conviction against Darin DeMizio, a former Morgan Stanley executive director who headed its domestic securities lending desk. DeMizio was convicted after trial of conspiring to commit securities fraud and wire fraud and making a false statement to agents of the FBI. The conviction was affirmed on appeal.

In 2010, Currie joined Crowell & Moring as a partner in its white collar and regulatory group. He represented corporations and individuals in criminal enforcement actions, corporate internal investigations and civil litigation.

The "vast majority" of Currie's cases had non-public dispositions or were internal investigations, said Daniel Zelenko, a partner who helped recruit Currie to the firm.

Currie was "widely respected" by the firm's lawyers and professional staff and also very active in the firm's internal development committee for young attorneys, Zelenko said. He noted that Currie "is steady and unflappable and he is an incredibly effective advocate both inside and outside of the courtroom. The clients he worked with at Crowell & Moring trusted him completely and really relied upon his judgment."

Zelenko continued: "I know that Kelly was humbled by the unique opportunity to return to public service in a leadership position in an office that he loves."

Meanwhile, Kavanagh said Currie was "one of those prosecutors who truly, truly loved his job."

"If you have a chance to go back in a leadership position, he's one of those people who absolutely would have never turned it down."

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