

# Gregory Keating

## Practice Group Leader

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“a respected expert in the defense of whistle-blower claims and for his phenomenal expertise representing clients in the education sector... skilled at conducting internal investigations into allegations of fraud, abuse and other wrongdoing.”

*Chambers USA*



Gregory Keating chairs Choate’s Whistleblower Defense and Labor, Employment and Benefits Practice Groups. He was nominated to serve as a management representative on the Whistleblower Protection Advisory Committee in 2012 by U.S. Senators Michael Enzi and Johnny Isakson and was later appointed by Hilda Solis, U.S. Secretary of Labor. In 2014, current U.S. Secretary of Labor Thomas Perez re-appointed Mr. Keating to serve another two-year term. In spring 2014, he testified before the U.S. Senate at a hearing on whistleblower protections.

Mr. Keating is recognized as a national authority in the area of whistleblowing and retaliation. He litigates and leads investigations into a wide range of whistleblower matters and has extensive experience handling engagements arising under the Sarbanes-Oxley Act, the Dodd-Frank Act, the False Claims Act and the Foreign Corrupt Practices Act.

Mr. Keating is the principal author of the national treatise on *Whistleblowing and Retaliation*, now in its 6<sup>th</sup> edition.

In addition to his active whistleblowing practice, Mr. Keating has spent considerable time representing clients in the financial services, retail and healthcare industries. For six years, he led a team of attorneys in the defense of more than 20 wage and hour class and collective actions around the country. On numerous occasions, the team he led successfully defeated conditional class certification.

Prior to practicing law, Mr. Keating was a sixth grade teacher. He has continued his work in education by counseling and advising schools. He currently represents a number of prominent private schools in New England.

Mr. Keating has been named America’s Leading Lawyers for Business by *Chambers USA*, *The Best Lawyers in America* and *Super Lawyers*. In addition, he serves on the Board of Advisors to the National Employment Law Institute.

### EDUCATION

Boston College Law School  
JD, 1993, *cum laude*

Trinity College  
BA, 1987

## PRACTICE FOCUS

### Whistleblower Defense, Investigations and High Stakes Employment Litigation

Whistleblower defense includes investigating allegations of fraud or retaliation, litigating allegations of retaliation and advising employers on best practices to foster a compliant workforce. Also handles a wide range of employment litigation including sexual harassment and non-competition matters.

**ADMISSIONS**

Massachusetts

**PRACTICE AREAS**

Whistleblower Defense

Labor, Employment & Benefits

**LANGUAGES**

German

**REPRESENTATIVE ENGAGEMENTS**

- Conducted investigation into allegations of retaliation involving senior executives at publicly traded Fortune 100 company.
- Litigated restrictive covenant disputes including non-competition, trade secret and non-solicitation matters in a wide range of state and federal courts across the United States.
- Extensive representation of private independent schools in investigating and remediating allegations of sexual misconduct.
- Conducted dozens of high-profile investigations into allegations of sexual harassment on behalf of employers across the country.
- Obtained dismissal on motion for summary judgment of complaint filed against international manufacturing company alleging whistleblower retaliation under the Florida Whistleblower Act.
- Obtained dismissal of False Claims Act whistleblower retaliation claim in federal court in Virginia on behalf of major defense federal contractor.
- Represented major management consulting firm in False Claims Act whistleblower retaliation action in federal court in Florida.
- Successfully handled SOX retaliation claim against Fortune 100 technology company.
- Represented Fortune 100 insurance company in SOX retaliation proceeding at Department of Labor.
- Represented Fortune 100 retailer in SOX retaliation charge filed with Department of Labor.
- Litigated SOX retaliation charge at Department of Labor on behalf of major U.S. railroad.
- Represented Fortune 100 computer manufacturer in Dodd-Frank action filed in federal court.
- Litigated SOX retaliation dispute on behalf of global investment advisor.
- Represented global manufacturer in SOX/Dodd-Frank/FCPA case brought by compliance officer.
- Represented global telecommunications company in SOX whistleblower claim brought by in-house counsel.
- Resolved False Claims Act whistleblower case for a major pharmaceutical company brought by chief medical officer.
- Resolved threatened SOX retaliation claims brought against Fortune 100 logistics company.
- Represented international railroad in SOX retaliation action.

- Represented home health care employer in whistleblower action brought under state law in Massachusetts.
- Obtained swift resolution of whistleblower and retaliation case brought under Dodd-Frank against oil and gas infrastructure employer.
- Obtained dismissal of SOX whistleblower investigation for publicly traded software company.
- Successfully represented prominent Massachusetts educational institution during allegations by whistleblower of sexual abuse during 1970s and 1980s and achieved successful resolution of matter through public outreach to institution's community.
- Obtained dismissal of SOX whistleblower action for major hospitality client in Minnesota.

## PUBLICATIONS AND PRESENTATIONS

Mr. Keating frequently speaks on whistleblower developments around the U.S. and abroad and is regularly quoted in publications such as *The Economist* and *Bloomberg BNA*.

- "What Tech Companies Need to Do to Combat Retaliation," *author, Navex Global*, August 2018.
- "Cybersecurity Whistleblowers Are Growing Corporate Challenge," *quoted, Wall Street Journal*, May 2018.
- "Conducting and Closing Effective Workplace Investigations," *presenter, NAVEX Global Webinar*, May 2018.
- "Incentives Get Weaker for Internal Whistleblower Reporting," *quoted, Law360*, March, 2018.
- "Whistleblower Ruling Adds a Risk for Companies," *quoted, Wall Street Journal*, February, 2018.
- "Chevron Spared as Justices Say 'Whistleblower' Term Clear," *quoted, Law360*, February, 2018.
- "As the caddie-club relationship draws new scrutiny, some creative solutions surface," *quoted, Golf Digest*, February 2018.
- "Legal considerations regarding in-house whistleblowers," *Financier Worldwide*, January, 2018.
- "When Can a Former Employee-Turned-Whistleblower Use Internal Company Documents?," *Corporate Counsel*, December, 2017.
- "Justices Seem Poised to Curtail SEC's Broad Whistleblower Protections," *quoted, The National Law Journal*, November 2017.
- "SEC Whistleblower Report Highlights Employers' Challenge," *quoted, Wall Street Journal*, November 2017.

- Invited to Speak on Whistleblowing at Federal Administrative Law Judge Annual Conference, September, 2017.
- "Could Donald Trump's SEC Soften Enforcement of Severance Agreements?," *The National Law Journal*, November 2016.
- "Dodd-Frank Rollback to Spare SEC Whistleblower Program, Experts Say," *quoted, Wall Street Journal*, November 2016.
- "SEC Hits Record in Enforcement Cases," *quoted, Securities Law Daily*, October 2016.
- "Whistleblowing and Retaliation," *speaker*, Navex Global Virtual Conference, November 2016.
- "Recent Developments in Whistleblower Protection Laws," *speaker*, 10<sup>th</sup> Annual Labor and Employment Law Conference, November 2016.
- "Managing Investigations & Employee Retaliation-A Complimentary Roundtable," *speaker*, Navex, September 2016.
- "SEC Cracks Down on Waivers in Severance Agreements," *quoted, Society for Human Resource Management*, August 2016.
- "Whistleblowing and Retaliation: A Guide for Human Resources Professionals & Counsel, 6<sup>th</sup> Edition, *author, Lexis Nexis*, May 2016.
- "Trends in Retaliation and Whistleblowing," *speaker*, 21<sup>st</sup> Annual Mid-Year Employment Law Conference, May 2016.
- "Three Focus Areas for Compliance with California's New FEHA Amendments," *presenter*, Navex Global Webinar, April 2016.
- "EEO-1 Pay Data May Be Garbage In," *quoted, Society for Human Resource Management*, February 2016.
- "EEOC Seeks to Require Summary Pay Data From Employers," *quoted, Bloomberg BNA Daily Labor Report*, January 2016.
- "In a First, Outsider Gets Whistleblower Award from SEC," *quoted, Corporate Counsel*, January 2016.
- "OSHA Issues Draft Guidance on Anti-Retaliation Training," *quoted, Society for Human Resource Management*, November 2015.
- "The Morning Risk Report: VW Whistleblower Appeal May Be Too Late," *quoted, The Wall Street Journal*, November 2015.
- "Volkswagen Saga Continues with Whistleblower Immunity," *quoted, Corporate Counsel*, November 2015.
- "Unanswered Questions about Dodd-Frank Retaliation Claims," *co-author, Corporate Counsel*, November 2015.

- “Bio-Rad Fired GC Case a Perfect Storm of Whistleblowing, Eroding Privilege,” *quoted, Corporate Counsel*, November 2015.
- “The Morning Risk Report: More Company Lawyers Turn Whistleblower,” *quoted, The Wall Street Journal*, October 2015.
- “Update on Retaliation and Whistleblowing,” *speaker, National Employment Law Institute Employment Law Conference*, November 2015.
- “Whistle-Blower Win,” *quoted, Bloomberg BNA*, September 2015.
- “Whistleblowing and Retaliation: Legal Developments and Practical Advice,” *speaker, New England Ethics and Compliance Roundtable*, August 2015.
- “Five Ways to Strengthen Your Whistleblower Program from Good to Great,” *panelist and conference co-chair, American Conference Institute’s Advanced Forum on Whistleblower Litigation*, July 2015.
- “False Claims Lawsuits by Whistleblowers Against Health Care Firms on the Rise,” *quoted, Corporate Secretary*, May 2015.
- “Many Finance Workers Still Don’t Think They Can Report Wrongdoing,” *quoted, The Washington Post*, May 2015.
- “‘Reasonable Cause’ Needed for Merit Finding In Whistle-Blower Cases, OSHA’s Chief Says,” *quoted, Bloomberg BNA Labor Relations Week*, April 2015.
- “Committee Approves Best Practices Draft to Avoid Whistle-Blower Retaliation Claims,” *quoted, Bloomberg BNA Occupational Safety and Health Reporter*, April 2015.
- “Whistle-Blower Cases Need ‘Reasonable Cause’ for Merit Findings, Michael Says,” *quoted, Bloomberg BNA Occupational Safety and Health Daily*, April 2015.
- “When the SEC Pays Your Lawyer for Informing on You, is That a Good Thing?,” *quoted, Forbes*, April 2015.
- “The Morning Risk Report: SEC Tells Companies to Evaluate Employment Pacts,” *quoted, The Wall Street Journal*, April 2015.
- “SEC Charges KBR with Violating Whistleblower Protection Rule,” *quoted, The Wall Street Journal*, April 2015.
- “SEC Whistleblower Retaliation Push Could Face Challenge,” *quoted, The Wall Street Journal*, March 2015.

## PROFESSIONAL AND COMMUNITY INVOLVEMENT

Mr. Keating is a member of the Board of Advisors for the National Employment Law Institute, as well as a member of the Boston Bar Association and the ADA Compliance Guide. He is also a member of the Editorial Advisory Board for the Individuals with Disabilities Education Act Newsletter, the Leave and Disability Coordination Handbook, the Section 504 Compliance Handbook and the Special Education Advisor.