

# Daniel J. Davis

## Partner

Washington, DC Office

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### Practices

FOCUS: Financial Markets and Funds  
Appeals and Critical Motions  
Distributed Ledger Products, Services and Technology  
Employment Litigation and Counseling  
Financial Markets Litigation and Enforcement  
Futures and Derivatives  
White Collar and Internal Investigations

### Industries

Finance and Financial Markets  
Private Client Services

### Education

JD, The University of Chicago Law School, *with high honors, Order of the Coif*  
BA, Brigham Young University, *magna cum laude*

### Bar Admissions

District of Columbia  
Virginia

### Court Admissions

US Court of Appeals, Second Circuit  
US Court of Appeals, Fourth Circuit  
US Court of Appeals, Fifth Circuit  
US Court of Appeals, Seventh Circuit  
US Court of Appeals, Ninth Circuit  
US District Court, District of Columbia  
US District Court, District of Maryland  
US District Court, Eastern District of Virginia  
US Supreme Court

From derivatives products to cryptocurrencies, Dan Davis helps clients navigate ever-changing regulatory requirements. Drawing on his years of experience as General Counsel at the Commodity Futures Trading Commission (CFTC), Dan understands how financial services agencies operate. As an experienced complex civil litigation attorney, Dan can defend clients in any forum.

### Regulatory perspective meets business-oriented counsel

Clients trust Dan's experience to help mitigate risks in the face of investigations and enforcement actions and to assess rules issued by financial agencies. From futures commission merchants to swap dealers to derivatives clearing organizations, he is well-positioned to advise on potential enforcement priorities, staff relief and exemptive orders, and submit comments on proposed financial agency rules. Dan has particular experience in handling fraud-related allegations under the Commodity Exchange Act (CEA) and can help clients develop compliance practices for meeting regulatory requirements. He also has successfully challenged rulemakings by financial agencies, such as the Securities and Exchange Commission's (SEC) first rulemaking under the Dodd-Frank Wall Street Reform and Consumer Protection Act regarding proxy access and the SEC's attempt to regulate fixed indexed annuities.

In Dan's role at the CFTC, he assisted with the creation and development of LabCFTC, the agency's hub for engagement with the fintech community to promote innovation and fair competition. He is highly experienced with helping crypto exchanges, bank and other fintech entities in working with distributed ledger technologies. He also provides counsel on meeting regulatory requirements when bringing new products to market. Dan had a distinguished career at the CFTC, receiving the Chairman's Award for Excellence in 2019. This award is the CFTC's highest honor, given to one employee annually in recognition of extraordinary accomplishments and superior service dedicated to realizing the vision, mission and values of the CFTC.

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## Community Involvements

The Spina Bifida Association of the  
National Capital Area, Board of Directors

Dan has the full range of litigation experience, having practiced in federal and state court, defending clients in arbitration and jury trial, and arguing ten cases before the federal courts of appeals. He excels at crisis litigation, having successfully obtained a rarely granted writ of *mandamus* on behalf of the CFTC. Dan uses his extensive litigation experience to advise clients on both litigation and regulatory matters.

Previously, Dan served as counsel to the Assistant Attorney General, Civil Division for the US Department of Justice. He also clerked for the Honorable Douglas H. Ginsburg, Court of Appeals for the District of Columbia Circuit. While in law school, Dan served as Executive Editor of *The University of Chicago Law Review*.

## Representative Experience

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- While at the CFTC:
  - Handled crisis management litigations. Cases involved reversal of district court decision and obtaining writ of *mandamus*.
  - Negotiated with other financial agencies regarding jurisdictional and statutory questions.
  - Reviewed more than 40 final rules in all areas of CFTC jurisdiction affecting registered entities. Also reviewed staff no-action letters, exemptive and registration orders, and interpretive guidance.
  - Conducted internal investigations of CFTC matters.
  - Reviewed proposed enforcement actions. Evaluated key legal theories advanced by Division of Enforcement.
  - Oversaw CFTC's first FinTech initiative.

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## Recognitions

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- CFTC Chairman's Award for Excellence
  - 2019
- The Legal 500 United States
  - Recommended Attorney, 2021

## News

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- Daniel Davis Discusses Nuances in GameStop and Bitcoin Trading Trends With *NASDAQ* (June 28, 2021)
- Katten Receives High Marks in Derivatives, M&A and Securitization in The Legal 500 United States 2021 Guide (June 10, 2021)
- Legal and Financial News Organizations Feature Daniel Davis's Arrival at Katten (January 26, 2021)
- Katten Adds Ex-CFTC General Counsel to Financial Markets and Funds Group (January 25, 2021)

## Publications

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- Foreign Listed Stock Index Futures and Options Approval Chart March 2021 (March 25, 2021)
- What's Ahead for the Futures and Derivatives Industry? (February 26, 2021)
- The CFTC Adopts Comprehensive Amendments to Its Bankruptcy Rules (February 2, 2021)

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## Presentations and Events

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- A Beacon Into 2021 Crypto Industry, Legal and Regulatory Developments Year to Date (June 2, 2021) | *Speaker*
- Law & Compliance Division Conference (April 28–30, 2021) | *Panelist* | *Regulation in Transition*
- Trade Practices 2021: Law and Regulation (March 9, 2021) | *Moderator*
- Katten's Annual Financial Markets Regulation Crystal Ball — A Look Back at 2020 and a Look Forward to 2021 (February 24, 2021) | *Panelist*
- Virtual Derivatives and Futures Law Committee Winter Meeting 2021 (January 28–29, 2021) | *Panelist* | *Ethics in Derivatives and Futures Law*
- Financial Markets Association's Legal and Legislative Issues Conference (October 30, 2020) | *Panelist* | *Securities General Counsels*
- Futures Industry Association (FIA) Law & Compliance Division Conference (October 7–9, 2020) | *Panelist* | *Schoolhouse Rock! APA/Rulemaking Process*
- Derivatives and Futures Law Committee Winter Meeting 2020 (January 23–25, 2020) | *Panelist* | *Ethics and the Practice of Law in the Derivatives Space*
- Financial Markets Association's Legal and Legislative Issues Conference (October 25, 2019) | *Panelist* | *Securities General Counsels*
- FinTech Society of the University of Club Chicago and the Chicago Lawyers Chapter of the Federalist Society (November 29, 2018) | *Panelist* | *Optimizing Regulation of Cryptocurrencies*
- Financial Markets Association's Legal and Legislative Issues Conference (October 19, 2018) | *Panelist* | *Securities General Counsels*

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- ABA Business Law Section Annual Meeting (September 13–15, 2018) |  
*Panelist | Crypto Assets/Currencies: CFTC and SEC Regulation and Enforcement*