

## Clay C. Wheeler

### Partner

4208 Six Forks Road  
Suite 1400, Raleigh, NC USA 27609  
t 919.420.1717 | f 919.420.1800  
1001 West Fourth Street, Winston-Salem, NC USA 27101  
cwheeler@ktslaw.com

### Services

Complex Commercial Litigation  
Corporate Monitorships  
Cybersecurity, Privacy & Data  
Governance  
Government & Regulatory  
Securities Litigation  
White Collar Crime & Internal  
Investigations  
False Claims Act Investigations,  
Defense & Response to  
Whistleblowers



Drawing on almost nine years of prior experience as a federal prosecutor, Clay represents companies, board committees, and executives in white collar criminal matters and related civil litigation. As a central part of his practice, Clay counsels organizational clients on compliance and enforcement issues, and conducts necessary internal investigations.

Clay's experience includes representing clients in parallel enforcement actions by the U.S. Department of Justice and the SEC. He also helps clients report crimes to law enforcement and pursue restitution and forfeiture remedies in the criminal justice system, including when a client has been victimized by intellectual property theft, an attack on the client's computer system, or an embezzlement scheme.

Clay had a significant role on the Volkswagen AG Independent Monitor & Auditor team that oversaw VW's compliance with its U.S. criminal plea agreement and civil consent decree obligations concerning the company's diesel emissions fraud. He led and managed working groups of attorneys, auditors, and consultants in reviewing, auditing, and testing aspects of the company's diesel remedial measures, including improvements to the compliance program. He also led the team's report writing function.

Prior to joining Kilpatrick, Mr. Wheeler served as an Assistant United States Attorney for the Eastern District of North Carolina (2002-2011), and Chief of its Economic Crimes Section (2009-2011). As a federal prosecutor, Mr.



Wheeler led teams consisting of AUSAs and federal agents in the investigation, prosecution, and, when necessary, trial of complex financial crimes. He worked extensively on securities and investment crimes, computer data theft, tax fraud (including cross-border offenses), money laundering, and health care fraud.

As Chief of the Economic Crimes Section at the U.S. Attorney's Office, Mr. Wheeler was responsible for the work of eight economic crimes prosecutors, covering a broad range of matters, from environmental crimes to mortgage fraud to government contracting fraud. He also served as the office's Financial Fraud Coordinator, Bankruptcy Fraud Coordinator, Intellectual Property Enforcement Coordinator, and Health Care Fraud Coordinator.

Mr. Wheeler clerked for United States District Judge Susan Y. Illston in San Francisco, and practiced with a national law firm in Palo Alto, California, before joining the U.S. Department of Justice.

Mr. Wheeler is a Senior Lecturing Fellow at Duke Law School where he co-teaches a course on the role of the federal prosecutor.

Mr. Wheeler was recognized in *The Best Lawyers in America*® in 2025 and the nine years immediately preceding for Commercial Litigation. He was listed in the 2022, 2023 and 2024 editions of *Chambers USA: America's Leading Lawyers for Business* in the area of White-Collar Crime and Government Investigations Litigation. Mr. Wheeler was named a North Carolina "Super Lawyer" in 2023, 2024 and 2025 for Business Litigation by *Super Lawyers* magazine. He was voted a *Business North Carolina* magazine "Legal Elite" in 2013 for Criminal Law and was named a "Future Litigation Star" among North Carolina attorneys in 2013, 2014, 2015 and 2016 by the *Benchmark Litigation* guide.

## **Experience**

Played a significant role on the Volkswagen AG Independent Monitor & Auditor team that oversaw VW's global compliance with its U.S. criminal plea agreement and civil consent decree obligations concerning the company's diesel emissions fraud.

Represented a technology company in connection with DOJ and Commerce Department export controls investigation, and conducted related internal investigation. Provided counseling regarding remediation.

Performed an internal investigation into allegations of commercial bribery and conflicts of interest arising from a client's supply chain in Asia.

Conducted an internal investigation for a federal government contractor into False Claims Act allegations and possible breaches of internal policies and procedures.

Represented an Audit Committee of a medical diagnostic company in conducting an internal investigation involving compliance and assisting with related government disclosure and resolution.

Represented an accounting professional in a parallel DOJ and SEC investigation into accounting fraud at a public company.



Conducted an internal investigation for a company concerning alleged fraudulent conduct in the Philippines by company employees and third-party agents, and recommended measures to further improve the company's compliance program.

Performed an internal investigation with regard to alleged FCPA, fraud, and export issues for a company's Audit Committee with regard to conduct all over the world, including Kuwait, Vietnam, Costa Rica, and Egypt. Also, aided in strengthening the company's compliance program.

Conducted an internal investigation for a consumer goods client into a complex embezzlement scheme by a senior manager.

Successfully represented medical professional in criminal Medicaid billing fraud investigation and related proceeding before the relevant North Carolina licensing board. No charges were brought against the client and the licensing board concluded no disciplinary action would be taken.

Reached a favorable settlement with a relator, the federal government and State of Georgia for a medical practice in a Federal False Claims Act litigation brought by a former employee.

For a corporate client, convinced federal prosecutors to investigate a cybersecurity incident that had shut down the client's operations. As a result, the individual responsible for the intrusion was successfully prosecuted, sentenced to an active prison term, and ordered to pay hundreds of thousands of dollars in restitution to the client.

For a leading consumer electronics company, provide counsel on all U.S. criminal trademark matters, including strategies for obtaining restitution and related forfeiture issues.

Represented a corporate client in a DOJ investigation into whether client personnel improperly "hacked back" against a cybersecurity attack.

## **Education**

Duke University School of Law J.D. (1997) *Duke Law Journal*, Editor-in-Chief

Williams College B.A. (1992)

## **Admissions**

North Carolina (2008)

California (1997)

## **Professional & Community Activities**



Duke University School of Law, Senior Lecturing Fellow

Raleigh-Durham Airport Authority, Board of Directors, Member (2013-2015)

## **Insights**

### [Events](#)

Truist Insurance Group CLE Seminar

October 10, 2024

### [News Releases](#)

Kilpatrick Breaks Record for Number of Attorneys Recognized in 2025 Edition of The Best Lawyers in America®

August 16, 2024

### [News Releases](#)

Kilpatrick Earns Widespread Recognition in 2024 Chambers USA

June 7, 2024

### [News Releases](#)

Kilpatrick Attorneys Named in 2024 North Carolina Super Lawyers

January 30, 2024

### [Events](#)

In-House Counsel Summit

November 30, 2023