Clay C. Wheeler

Partner

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Services

Complex Commercial Litigation

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, Clay 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, Clay 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, Clay 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.

Clay 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.

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

Clay was recognized in *The Best Lawyers in America*® in 2027 and the 11 years immediately preceding for Commercial Litigation. He was listed in the 2026 and four immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* in the area of White-Collar Crime and Government Investigations Litigation and is ranked as Band 1 in 2026. Clay was named a North Carolina "Super Lawyer" in 2023, 2024, 2025 and 2026 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 financial services company in an SEC insider trading investigation.

Represented corporation and non-profit organization in response to separate investigations by the Criminal Investigation Division of the U.S. Environmental Protection Agency.

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

News Releases

Kilpatrick Attorneys Once Again Earn Outstanding Recognitions in 2027 Edition of The Best Lawyers in America®

August 20, 2026

News Releases

Kilpatrick Attorneys Earn 102 Rankings in 2026 Chambers USA and Global Guides

June 5, 2026

News Releases

Over 100 Kilpatrick Attorneys Named 2025 Super Lawyers and Rising Stars

November 25, 2025

Alert

The Government Is Wielding the False Claims Act to Punish Tariff and Customs Evasion, but Companies Can Benefit from Voluntary Self-Disclosure in order to Mitigate the Damage

August 21, 2025

Alert

Healthcare Fraud in the False Claims Act Enforcement Crosshairs: Why Now is the Time to Strengthen Compliance Efforts

July 16, 2025