

# Frederick T Davis

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## Biography

Frederick T Davis studied at Columbia Law School and Harvard. He was a law clerk to Henry J. Friendly of the Second Circuit and Potter Stewart of the Supreme Court. He served as assistant US attorney in the Southern District of New York (1974-1978), and since then has been a partner (now of counsel) at three major law firms. He is admitted to practise in Paris and New York, and from 2006 to 2017 was based in France. He is a life member of the American Law Institute; an elected fellow of the American College of Trial Lawyers; and a Chevalier of France's National Order of Merit. He teaches cross-border criminal practice at Columbia Law School. In July 2019, Cambridge University Press published his book, *American Criminal Justice: An Introduction*.

### ***What motivated you to pursue a career in law?***

I initially thought I would work in foreign service, and entered Columbia in a joint degree programme between the Law School and the School of International Affairs. I quickly found that I loved studying law – and still do. The combination of intellectual challenge, a perspective on history, and practical skills excites me. When I started law school in the 1960s, many people my age were animated to “change things”. I am not sure that we succeeded as much as we would have liked, but that attitude has always been an important part of my sense of what it means to be a lawyer.

### ***What do you enjoy most about practising in the field of white-collar criminal defence?***

Criminal practice is globalising faster than people realise because crimes cross borders. In many respects, neither the laws nor institutions have caught up. I enjoy identifying and analysing the differences in respective countries’ procedures and practices, and finding creative solutions to the many problems these differences may cause.

### ***How has your dual qualification at the American and French bars enhanced your practice?***

Sitting for the Paris Bar was a game-changer for me: it opened my eyes to the many very important ways that criminal “justice” is differently perceived, and pursued, in different countries, especially across the “common law”/“civil law” divide. It is one thing to study diverse legal systems as a student or an academic; it is another to

practise in two quite different systems and see their differences “from the inside”.

### ***What are your thoughts on the debate surrounding litigation privilege?***

The big problem I see is that rules relating to professional confidentiality differ so much from country to country, which creates risks and uncertainties in cross-border practice. I favour a strong and commonsense view of privilege: a client facing any criminal risk should be able to get legal advice from an attorney and be 100 per cent certain that the content and fruits of that professional relationship will remain confidential until said client decides otherwise. While that goal may sound obvious, it is difficult to guarantee in a number of cross-border situations.

### ***What are the main challenges lawyers are currently facing when handling cross-border criminal investigations?***

Cross-border investigations have increased in number, size and importance. Officials in many countries are adjusting their domestic criminal procedures and practices to deal with this challenge, and at the same time are giving new thought to coordination and communications with other countries. Prosecutors and defence lawyers (and, for that matter, judges and diplomats) need to understand that the parameters of a multi-jurisdictional criminal case are not the same as in a purely domestic one. One key lesson: just because another country’s criminal procedures are different from one’s own does not mean that they are wrong or less just.

### ***What advice would you give to someone starting out in law?***

If you are interested in “international” criminal practice – whether that means transnational criminal investigations or true international criminal law practised at international criminal tribunals – aim high: there is a lot going on, and many opportunities for thoughtful lawyers willing to “think outside the box”. But first you need to develop skills. And that, generally, can best be done by taking traditional jobs right out of law school, whether in a prosecutor’s office; a legal aid or equivalent office doing criminal defence; or a law firm that does criminal investigation and trial work. Find good mentors, get your hands dirty, go to court – and you will find that there will be a big demand for you. Don’t forget your goals, and keep your eye out for international opportunities. But nail down those skills first.

### ***You have enjoyed a very distinguished career so far. What would you like to achieve that you have not yet accomplished?***

I am doing more and more teaching and writing, and have ambitions for several more books. I hope I have a lot to say in the area of comparative/transnational criminal justice. But I love trials, and often think of going back to that practice.

### ***What is the best piece of career advice you have ever received?***

To join the US attorney’s office and learn how to try cases on my own.

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**WWL says:** *Frederick Davis is a well-established figure in the French market where he enjoys a stellar reputation for his superb handling of white-collar criminal defence proceedings and US and French investigations.*