Criminal Investigations and Prosecutions

Criminal matters create risks that are unique and far-reaching. Allegations of criminal misconduct can threaten hard-earned reputations, financial stability, even personal liberty in a way that is unmatched by other legal issues affecting sophisticated professionals. For this reason, criminal investigations or prosecutions require counsel with the utmost skill, discretion, and experience handling high-stakes criminal matters.

Whether it is a subpoena or a 6 a.m. knock on the door from federal agents with a search warrant, we have assembled a team ideally suited to meet these challenges. Our attorneys include former federal prosecutors and U.S. Securities and Exchange Commission (SEC) attorneys who intimately know the practices of prosecutors, ranging from U.S. Attorneys' Offices across the country to U.S. Department of Justice (DOJ) components such as the Fraud, Money Laundering and Asset Recovery, Computer Crimes and Intellectual Property, and Public Integrity Sections. Our team understands and appreciates the delicate navigation required to handle parallel civil and criminal investigations by domestic and foreign authorities. We regularly help clients navigate through investigations led by the FBI, various Offices of Inspectors General, the IRS, the U.S. Postal Inspection Service, and many other investigative agencies.

The attorneys in the White Collar practice have extensive experience representing private entities and individuals from the beginning of an investigation, including internal investigations, subpoena responses, and grand jury appearances, to the conclusion, including criminal and civil resolutions, trials, sentencings, and appeals throughout the United States. We aggressively represent and defend individuals and entities throughout all stages of a criminal case, whether they are the third-party witnesses, subjects, or targets undergoing active prosecution.

Our representations span a broad array of subject matters, including representations of individuals and entities from industries including transportation, the financial sector, telecommunications, natural resources, and health and pharmaceutical companies. Examples of recent successful representations have involved the following, and many more.

Food, Pharmaceutical, and Health Industries:

- The chief executive of an international pharmaceutical manufacturer indicted for conspiring to violate federal food and drug laws and making false statements regarding the sale of products in the United States.

- Executives and other personnel in several criminal investigations relating to off-label marketing of medical devices and pharmaceuticals.
- A senior executive of a generic drug manufacturer in a criminal investigation into allegations of insider trading and violations of the Federal Food, Drug, and Cosmetic Act.

Government Contracting:

- The CFO of a major trucking company who, after being charged in an indictment accusing him of 126 felonies – including conspiracy to violate U.S. Department of Transportation (DOT) and U.S. Department of Labor (DOL) regulations, mail fraud, and money laundering – and demanding a $40 million forfeiture, resolved the case with a single misdemeanor, receiving probation, no incarceration, and no forfeiture judgment against him.
- The CFO of a government contractor who was accused of abusing small business set-asides and received probation rather than imprisonment after our attorneys obtained a groundbreaking opinion on loss amount from the trial judge.
- A government contractor during civil and criminal investigations into its alleged involvement in a bribery and kickback scheme described as one of the largest schemes of its kind in the history of federal contracting.
- A government contractor in connection with a former affiliate's prosecution for making false statements to the government regarding security clearances.
- A manufacturer of high-tech parts for military aircraft under investigation for falsified testing data.
- An IT contractor in a criminal and civil investigation by the DOJ regarding violations of the False Claims Act.

Public Sector:

- A senior White House official in connection with allegations of false statements and obstruction.
- A Member of Congress in relation to allegations of false statements and disclosures.
- A government official indicted for making false statements and obstructing justice during both the agency and congressional investigations into lobbyist Jack Abramoff's dealings.
- A congressional staffer in an insider-trading investigation.

Antitrust:

- Several high-level automotive and air cargo executives in criminal antitrust investigations involving allegations of price fixing, bid rigging, and market allocation.
- The nation's largest privately held scrap metal company during an antitrust investigation.
- Criminal antitrust investigations involving price fixing, bid rigging, and market allocation.

We are also a go-to source of assistance for communications firms, manufacturers, insurance carriers, and other companies facing criminal investigation or prosecution, which in the recent past has included:

- An engineering firm that advised the City of Flint, Michigan, on its water systems in criminal investigations by the DOJ and State of Michigan Office of Special Counsel.
- A video relay services provider in concurrent investigations of fraud by the DOJ, the SEC, and the Federal Communications Commission Enforcement Bureau, where we convinced the DOJ and the SEC not to take any criminal or civil action.
- A global insurance company being investigated by a federal grand jury.
- A large, international company facing investigation for export control violations.
- A range of industries and individuals related to Foreign Corrupt Practices Act counseling and investigations, including defense, financial, insurance, aeronautical, freight, energy, construction, pharmaceutical, and engineering.

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