

## White Collar Defense

The members of our White Collar Defense practice include criminal trial lawyers with government experience as prosecutors, public defenders, and independent counsel. We are known for our skills in the courtroom and have tried literally hundreds of criminal trials before juries in jurisdictions around the country. It is with the benefit of this experience that our White Collar Defense lawyers advise and represent both corporate and individual clients at every stage of criminal litigation, including the initial investigation and grand jury process, trial, sentencing, and appeal.

Our clients often face the complicated challenges presented by matters involving questions of both U.S. and international criminal law and simultaneous action by the U.S. Department of Justice (DOJ) and other government agencies. These matters can also include parallel criminal and civil litigation. Our White Collar Defense lawyers bring their wealth of governmental and private criminal litigation experience and creative, effective problem solving skills to assist clients in making the crucial strategic and tactical decisions necessary to navigate this complex and dangerous governmental enforcement environment.

Our White Collar Defense practice has been recognized by *Chambers USA* and *U.S. News – Best Lawyers® “Best Law Firms”*, and members of the practice have been recognized by the American College of Trial Lawyers, *The Best Lawyers of America®*, *Legal 500*, *Washingtonian Magazine*, Ethisphere Institute's *Attorneys Who Matter*, and others for their talent and experience. The firm's strength and breadth in internal investigations is reflected in the fact that seven of its lawyers were recognized in *Who's Who Legal: Investigations* (2015-2019).

The members of our White Collar Defense practice have represented corporations and individuals in federal and state criminal matters involving allegations of:

- Financial fraud and accounting improprieties;
- Securities fraud and insider trading;
- Violations of the Foreign Corrupt Practices Act (FCPA);
- Public corruption, including bribery, illegal gratuities, honest and faithful services fraud, and violations of conflict of interest laws;
- Investigations of appropriations and procurement waste, fraud, and abuse;
- Healthcare fraud;
- Perjury, false statements, and obstruction of justice;
- Tax fraud (including conspiracies to commit tax fraud, Bank Secrecy Act violations, and related offenses);
- Money laundering;
- Circumvention of the export control regulations;
- Espionage and foreign agent registration violations;
- Federal election laws violations;
- Antitrust violations;
- Environmental crimes; and
- Racketeering Influenced and Corrupt Organizations (RICO) violations.

### Representation of Corporations

Given the stigma of being accused of criminal activity, many corporate clients seek our early and rapid intervention to thwart investigations before they advance into public litigation. When cases have proceeded into the public forum, however, Miller & Chevalier has distinguished itself through its meticulous fact investigation and creative legal presentations. Our team members have prosecuted and defended over 350 jury trial cases, covering a wide array of subject matters in federal and state courts across the country.

Our White Collar Defense lawyers often operate at the intersection of international business and domestic enforcement of U.S. laws. We represent clients in complex matters in the wake of increased enforcement by the U.S. and other governments across the globe. Over the past three years, our lawyers have made more than 100 visits to more than 35 countries on five continents, including China, Russia, and several countries in Africa, Latin America, the Middle East, and Southeast Asia. Working closely with members of our International department, our White Collar Defense team conducts worldwide investigations and corporate due diligence in advance of multi-million dollar acquisitions. Our investigations often include reviews of anti-bribery, export controls, and accounting protocols and the development of compliance plans.

## Representation of Individuals

Our White Collar Defense group has represented individuals in criminal trials arising out of the government's financial fraud task force, public corruption scandals and regulatory issues. We have also represented individuals in matters resolved favorably without a trial in myriad complex financial fraud cases.

In addition, our White Collar Defense lawyers work in conjunction with members of Miller & Chevalier's Tax department to provide experienced criminal tax counsel to clients. There has been an explosion of U.S. investigative and prosecutorial activity in this area, and, in particular, an ongoing interest on the part of the public and law enforcement for bringing high-profile criminal prosecutions. Our criminal tax team has been integrally involved in these matters, representing witnesses, subjects, and targets of IRS and DOJ investigations. Our knowledge of the investigators and prosecutors in these matters is unsurpassed as is our experience in dealing with those investigators and prosecutors to achieve the best possible outcome for the client.

## REPRESENTATIVE ENGAGEMENTS

### Corporations or Other Entities

- Representing a Dutch company and its president in defense of criminal allegations of export controls violations in connection with alleged sales of aircraft parts into Iran. The prosecution is brought by the DOJ, with ancillary proceedings by the Commerce Department and the Office of Foreign Assets Control (under Treasury). The matter is pending final resolution, after conclusion of negotiations with all three federal entities.
- Representing a large government contractor in a grand jury investigation of alleged fraud in connection with a U.S. Army contract.
- Representing a major defense contractor in a False Claims Act *qui tam* lawsuit involving allegations of fraud by a subsidiary and other parties in connection with a Department of Agriculture facilities maintenance contract.
- Defended a European-based global trading company in criminal prosecution related to the U.N. "Oil-for-Food" program.
- Defended one of the largest printing companies in Puerto Rico, and its majority owner, in connection with alleged ERISA fraud and other criminal allegations.
- Represented a large oilfield services company against allegations of foreign tax evasion.
- Investigated allegations of impropriety regarding the treatment and structuring of swap transactions by various domestic and foreign banks.

## Individuals

- Representing a central figure in a DOJ investigation of Iraqi contracting fraud. We also represent the client in parallel civil matters, Congressional inquiries, and U.S. Army suspension and debarment proceedings.
- Representing an executive of a large multinational corporation in connection with DOJ and SEC investigations of alleged FCPA violations stemming from the company's operations in China.
- Defending multiple groups of individuals and couples in voluntary disclosure matters on charges of tax fraud and Bank Secrecy Act violations. This includes defending individuals who have chosen to "opt-out" of the IRS voluntary disclosure program or otherwise challenge the terms of that program.
- Representing current and former employees of a European-based multinational power and automation company in connection with a DOJ criminal investigation into an alleged global conspiracy to rig bids in violation of antitrust laws.
- Representing a former executive of an ocean freight shipping company in connection with a DOJ antitrust investigation centering on allegations of price-fixing, bid-rigging, and market allocation in the ocean freight shipping industry.
- Defended at trial an individual facing criminal indictment on charges of conspiracy, honest services wire fraud, and illegal gratuities in connection with the DOJ's prosecution of individuals tied to Jack Abramoff.
- Represented key aide to the former Governor of Puerto Rico, in criminal investigation of campaign finance fraud and other allegations.
- Represented prominent District of Columbia attorney on allegations of contempt of court related to his representation of client in civil matter.
- Defended a high-profile individual on charges of tax evasion and conspiracy to evade taxes successfully resulting in a non-prosecution agreement.
- Represented two related individuals in an investigation into tax evasion and obstruction of justice associated with foreign banking activity.
- Represented a foreign law firm and lawyers involved in conduct alleged to constitute tax evasion.
- Defended a former Enron Corporation executive who was acquitted of all counts in a criminal jury trial.
- Represented a leading elected Ukrainian official in connection with pre-trial detention, constitutional and international human rights issues, including possible proceedings in the European Court of Human Rights.
- Represented former Maryland State Senator charged with taking gratuities from state contractors while Chairman of the Senate Finance Committee.
- Represented a former AIG executive in accounting fraud investigations with the DOJ and SEC. Obtained a non-prosecution agreement from DOJ and the SEC took no action against our client.
- Represented a central figure in the investigation and prosecution of Milberg Weiss and its lawyers, related to alleged misconduct in plaintiffs' class action securities litigation.
- Represented a former Outside Director and member of Enron Corporation's Audit and Finance Committees in nationwide consolidated securities actions and related enforcement matters brought after the collapse of Enron.
- Represented the co-founder of the world's largest digital currency business on charges of operating a money transmitting business without a license and money laundering.
- Represented the producer of the *60 Minutes* story on President Bush's National Guard service in a 2005 CBS internal investigation.

- Defended a nuclear engineer tried on charges of false statements and facing related matters before Atomic Safety and Licensing Board of the U.S. Nuclear Regulatory Commission (NRC) in parallel administrative action.
- Represented the former Vice President of one of Puerto Rico's largest banks, on appeal to the United States Court of Appeals for the First Circuit following his conviction of bank fraud and related allegations.
- Represented two foreign national former officials of a U.S. mining company in connection with DOJ and SEC investigations into alleged bribery in South America.
- Represented a former executive of a large U.K. and U.S. defense contractor in connection with DOJ and SEC investigations of alleged violations of the FCPA.
- Represented two individuals as part of an IRS criminal investigation in an attempt to gain voluntary disclosure or otherwise prevent a criminal referral to the DOJ in the aftermath of informant allegations that they committed tax fraud and violated the Bank Secrecy Act.

## **GOVERNMENT EXPERIENCE**

- General Counsel, U.S. Department of Commerce
- Assistant to the Solicitor General, U.S. Department of Justice
- Counselor to the Secretary, U.S. Department of Commerce
- Deputy General Counsel, U.S. Department of Commerce
- Assistant United States Attorney, District of Columbia
- Assistant United States Attorney, Northern District of Illinois
- Assistant United States Attorney, Civil Division of the U.S. Attorney's Office for the District of Columbia
- Director, Office of International Affairs, U.S. Securities and Exchange Commission
- Trial Chief, Public Defender Service for the District of Columbia
- Senior Investigative Counsel, Special Committee on Investigations, U.S. Senate
- Chief, Special Litigation Division, Public Defender Service for the District of Columbia
- Senior Adviser for International Issues to SEC Chairman Arthur Levitt, U.S. Securities and Exchange Commission
- Deputy Director, Office of International Affairs, U.S. Securities and Exchange Commission
- Assistant Director, Office of International Affairs, U.S. Securities and Exchange Commission
- Assistant Chief Litigation Counsel, Division of Enforcement, U.S. Securities and Exchange Commission
- Assistant Federal Public Defender, Las Vegas, Nevada
- Appellate Deputy Public Defender, Nevada State Public Defender's Office
- Tax Assistant to the Solicitor General, U.S. Department of Justice
- Trial Attorney and Director of Training, Public Defender Service for the District of Columbia
- Supervising Attorney, Trial Division, Public Defender Service for the District of Columbia
- Staff Attorney, Appellate and Trial Divisions, Public Defender Service for the District of Columbia
- Attorney-Advisor, Office of International Trade - Regulations & Rulings, U.S. Customs and Border Protection

- Legislative Assistant, U.S. House of Representatives

## **RANKINGS AND RECOGNITION**

- *Chambers USA*: Corporate Crime & Investigations (Nationwide), 2015 - 2019
- *Chambers USA*: Litigation: White-Collar Crime & Government Investigations (District of Columbia), 2011 - 2019
- *Chambers Global*: Corporate Crime & Investigations (USA), 2016 - 2019
- *Chambers Global*: Corporate Investigations (Global-wide), 2017 - 2019
- *Chambers Global*: Corporate Investigations (Latin America-wide), 2015 - 2019
- *Chambers Global*: FCPA (United States), 2015 - 2019
- *Chambers Latin America*: Corporate Crime & Investigations (Latin America-wide), 2015 - 2020
- *Global Investigations Review*: GIR 30 Top Global Investigations Practice, 2015 - 2019
- *Global Investigations Review*: Boutique or Regional Practice of the Year, 2016
- *Latin Lawyer* Anti-Corruption Survey, Top Law Firm, 2013
- *Legal 500*: Dispute Resolution: White-Collar Criminal Defense - Advice to Individuals (U.S.), 2011 - 2019
- *Legal 500*: Dispute Resolution: White-Collar Criminal Defense - Advice to Corporates (U.S.), 2011 - 2018
- *Legal 500*: Antitrust: Cartel (U.S.), 2015 - 2019
- *U.S. News - Best Lawyers*<sup>®</sup> "Best Law Firms": Criminal Defense: White-Collar (National), 2019 - 2020
- *U.S. News - Best Lawyers*<sup>®</sup> "Best Law Firms": Criminal Defense: White-Collar (District of Columbia), 2010 - 2020