

White Collar Defense

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PRACTICE LEAD

Miller & Chevalier is widely regarded as a leader in White Collar Defense in the U.S. and globally. Top-ranked in *Chambers Global* and *USA*, Chambers says their sources are full of praise for the team: "...they have a keen perspective, sophistication, deep knowledge and experience in all types of investigations and fraud situations." Our White Collar Defense practice includes criminal trial lawyers who are former prosecutors, public defenders, and independent counsel. Our team has defended clients in over 350 jury trials in jurisdictions around the country. Our clients include global companies, emerging companies, executives and boards 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 of simultaneous criminal, civil and regulatory actions involving U.S. and international criminal law and along with action by the U.S. Department of Justice (DOJ) and other government agencies. We rapidly deploy teams to assist clients with the strategic and tactical steps necessary to navigate successfully complex and dangerous governmental enforcement actions. Our clients appreciate our ability to achieve short-term results while anticipating what may lie ahead. We understand how regulators and judges think and how to work with them effectively. Our extensive trial experience means we can think through trial scenarios even as we work with our clients to avoid going to court when that is the best outcome.

Representation of Corporations

Increased enforcement by the U.S. and other governments across the globe has led to more complex often cross-border investigations than ever before. Given the stigma of being accused of criminal activity, clients seek our early and rapid intervention to thwart investigations before they become public. Working with clients from virtually every industry, we are well-equipped to handle the range of possible investigations, which frequently involve the intersection of international business and domestic enforcement of U.S. laws. We are also adept at handling matters before the World Bank Sanctions Board, which, in recent years, has increased its scrutiny of fraud, collusion and corruption in World Bank bid proceedings.

Working closely with our world-class international team, our White Collar Defense team conducts investigations worldwide. 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. Our investigations often include reviews of anti-bribery, export controls, and accounting protocols and the development of compliance plans. We are also regularly asked to provide corporate due diligence in advance of multi-million-dollar acquisitions.

Representation of Individuals

Our White Collar Defense group has represented individuals in investigations and criminal trials involving financial fraud, criminal antitrust, healthcare fraud, anti-corruption violations, export control and sanctions issues, national security issues, public corruption and regulatory disputes. Many of these matters are favorably resolved without a trial. When tax issues arise, our lawyers work in conjunction with our Tax Department, one of the top practices in the country according to *Chambers*, 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 renowned 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 ability to help achieve the best possible outcome for the client. We also team with our Government Contracts team to achieve successful outcomes in investigations of appropriations and procurement waste, fraud, and abuse.

Representative Engagements

Corporations or Other Entities

- Retained by the Audit Committee of one of the four principal oil and gas companies in Latin America to conduct an internal investigation into allegations by local prosecutors of approximately \$4 billion in cost overruns in connection with the construction of a refinery by one of its subsidiaries.
- Conducting investigations for the Audit Committee of a Brazilian multi-national food producer in Brazil, Argentina, and elsewhere with respect to potential improper payments to government officials, money laundering, and violations of food quality and safety regulations.
- Assisting a security technology company client with an investigation by DOJ into potential trade secret theft by a former employee; the investigation implicates a number of ITAR provisions and is a potential example of Chinese theft of U.S. technology. The firm has led the Company's response to DOJ and FBI inquiries, working closely with the company's General Counsel and counsel for the company's investors.
- Serve as Special Counsel to a major international labor union in connection with prohibitions on contacts or involvement with organized crime. In addition, the firm serves as outside counsel to the union in a role that includes investigation of fraud allegations and interfacing with government enforcement authorities regarding findings.
- Assisting a global supplier of industrial technology with an ITAR investigation into potential deemed exports. We are lead counsel in the investigation, working closely with the client's internal compliance officers. This involves significant issues about the burden of proving or disproving "release" of controlled information to non-U.S. persons. Final disclosure to DDTC was made in February 2019 and follow-up questions were investigated and addressed in May 2019.
- Represent a logistics company in an investigation and response to potential OFAC violations involving Cuba and Iran. The shipments in question were to entities on the SDN list in Germany and Spain and the investigation involved tracing those shipments through the European Union delivery process. The firm directed the investigation and interacted with OFAC regarding voluntary disclosure, including responding to follow-up questions and advocating for no action on the matter.
- Represented a Japan-based food equipment services company with operations in the United States, Japan, Europe, Southeast Asia, and elsewhere. Investigated accounting manipulation related to U.S. production activities implicating the FCPA's accounting provisions and the treatment of a related whistleblower complaint.
- Conducting an internal investigation for a manufacturing company in an FCPA-related matter focused on China and Southeast Asia. The investigation concerns applicable laws in multiple jurisdictions, and the matter has been disclosed to U.S. authorities, who are also investigating. As part of remediation activities, performing a global risk assessment and advising on updates to company's anti-corruption compliance program.

Individuals

- Represented two individuals in the DOJ Special Counsel's (Robert Mueller) investigation into the involvement of Russia in the 2016 presidential election. One client served on the Presidential Transition Team and had a close relationship with a top advisor to the president, and the other client worked on the president's campaign.
- Managing a cross-border enforcement investigation into potential ITAR and/or EAR violations related to statements made by an

executive at a defense manufacturer during a Commodity Jurisdiction proceeding. This case involves a lengthy, multi-agency (BIS and DOJ) investigation.

- Represented the former CEO of a publicly-traded, multinational company in a DOJ/SEC investigation into allegations that company employees in China bribed Chinese public officials. We represented the client in interviews with the government and the company. As a result of our advocacy, the government declined to bring charges against the client.
- Defending several pharmaceutical company executives in parallel investigations by the DOJ and Connecticut Attorney General's Office into possible price-fixing, bid-rigging, and market allocation in the generic pharmaceutical industry. The twin investigations stem from a congressional committee investigation into prices in the generic drug industry and have grown to include numerous additional companies and individuals over the past two years.
- Represent a Swiss national and private wealth advisor who was arrested in Italy on an Interpol Red Notice issued by the United States. The United States is seeking her extradition relating to an FCPA and money laundering scandal involving the Venezuelan National Oil Company (PDVSA).
- Represent the former CFO of a prominent private equity firm in connection with an indictment returned by DOJ in the U.S. District Court for the Southern District of New York. The client is one of six co-defendants charged with conspiracy to engage in racketeering, to commit securities fraud, to commit money laundering, and related substantive offenses arising out of the collapse of the private equity firm.
- Serving as co-counsel for the lead defendant in a multi-defendant case involving charges of conspiracy, bribery, and false statements. Our client is a former government official alleged to have received a stream of financial benefits in exchange for using influence to steer government contracting work.

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, 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 - 2021
- *Chambers USA*: Litigation: White-Collar Crime & Government Investigations (District of Columbia), 2011 - 2021
- *Chambers Global*: Corporate Crime & Investigations (USA), 2016 - 2022
- *Chambers Global*: Corporate Investigations/Anti-Corruption (Global-wide), 2017 - 2022
- *Chambers Global*: Corporate Investigations (Latin America-International Counsel), 2015 - 2022
- *Chambers Global*: FCPA (United States), 2015 - 2022
- *Chambers Global*: Investigations & Enforcement (International & Cross-Border) (USA), 2020 - 2022
- *Chambers Latin America*: Corporate Crime & Investigations (Latin America-wide), 2015 - 2021
- *Global Investigations Review*: GIR 30 Top Global Investigations Practice, 2015 - 2020
- *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 - 2021
- *Legal 500*: Dispute Resolution: White-Collar Criminal Defense - Advice to Corporates (U.S.), 2011 - 2021
- *Legal 500*: Antitrust: Cartel (U.S.), 2015 - 2021
- *Legal 500 Latin America*: International Firms: Compliance and Investigations, 2021
- *U.S. News - Best Lawyers*® "Best Law Firms": Criminal Defense: White-Collar (National), 2019 - 2021
- *U.S. News - Best Lawyers*® "Best Law Firms": Criminal Defense: White-Collar (District of Columbia), 2010 - 2021