

BUCKLEY

White Collar Practice

White collar defense is never elective. A whistleblower report, government investigation, FBI visit, search, arrest, or subpoena can suddenly thrust a company or individual into a hostile world of legal entanglements that can stretch out for years, affecting resources and reputations. It is crucial to get the right representation early on. We represent corporations and executives at every stage, from compliance counseling and internal investigations, to grand jury investigations, criminal trials, appeals, and monitorships, and everything in between.

Buckley's white collar defense practice has been recognized in *Chambers USA* as the "crème de la crème of the white collar community" with the "breadth and the ability to handle everything from individual representations to large internal investigations and compliance matters." Our lawyers have been described as "fantastic trial lawyers," "people with tremendous experience and great reputations," "legends of the white-collar bar," "fearless," "extremely thoughtful and imaginative," and among "the best trial lawyers in the city."

Our lawyers have decades of experience successfully helping corporations understand their compliance risks and investigate potential problems, as well as defending companies or their executives in government investigations and litigation where multibillion dollar judgments, bet-the-company sanctions, personal freedom, reputations, family, health, and livelihood are on the line. Our breadth of expertise is substantial. Our lawyers have assisted clients in every major Department of Justice white collar enforcement initiative in the past three decades, whether in foreign bribery; political corruption and scandals; securities, accounting, and financial fraud; antitrust; environmental crimes; tax fraud; or other complex issues. Working together with our best-in-class financial services practice, we are particularly well-suited to handle any type of white collar matter for financial services providers.

We have a deep bench of former federal prosecutors, including former senior leadership at leading U.S. Attorney's Offices. Our lawyers include multiple fellows of the American College of Trial Lawyers and the American Board of Criminal Lawyers. We collectively have tried hundreds of cases, and are known for our willingness to take cases to trial. We have also adeptly resolved countless cases before they ever reach a courtroom.

Foreign Corrupt Practices Act and Anti-Corruption. When it comes to the FCPA, we have done it all, from navigating clients through DOJ and SEC investigations and hard-fought trials, to internal investigations and compliance counseling, including the design and testing of compliance policies and programs and daily compliance advice. We have represented clients in anticorruption matters across a wide variety of industries, including banking, mining, oil & gas, energy, manufacturing, telecommunications, gaming, firearms, engineering, restaurants, and chemicals, and in investigations around the world, through our deep relationships with the best white collar and anticorruption

practices in key geographic regions, including in Latin America, Europe, and Asia. We have secured declinations and non-prosecution agreements for many clients, and have had many high-profile litigation and trial successes, with examples below and additional information available on our FCPA practice page.

- *SEC v. Mark Jackson*. We secured a voluntary dismissal on the eve of trial of six claims alleging FCPA violations against the former CEO of an oilfield services company concerning the company's business in Nigeria. The SEC agreed to a very favorable settlement of the remaining claim, with no monetary payment and no restriction on future employment opportunities. The case was litigated in the Southern District of Texas.
- *United States v. Goncalves (Africa Sting Case)*. After a four-month trial, we secured a dismissal of all claims against our client, the owner of a military arms company. The case, which was litigated in the U.S. District for the District of Columbia, was the DOJ's largest FCPA prosecution of individuals and its first sting operation in an FCPA case.
- *Wynn Resorts v. Universal Entertainment Corp.* Our client, a Japanese gaming manufacturer, was accused by a business partner of being involved in alleged FCPA violations. Following four years of hard-fought litigation in Nevada state court, we secured a \$2.63 billion settlement in our client's favor in the underlying corporate dispute against Wynn Resorts Limited and the dismissal of FCPA-related allegations.
- One of our lawyers represented a brother of former Afghan President Hamid Karzai in a grand jury investigation in the Southern District of New York concerning alleged FCPA and other violations. After more than two years of investigation, prosecutors declined to bring any charges.

Securities and Accounting Fraud: We represent clients in all types of investigations, enforcement proceedings, and litigation concerning securities, accounting, and financial fraud. Our team includes a 20-year veteran of the SEC's Enforcement Division and former head of its Office of Market Intelligence. A few of our high-profile successes are noted below, with additional information available on the Securities practice page.

- *United States v. Wakeford* and *SEC v. Wakeford*. One of our lawyers secured a total acquittal for our client, a senior AOL executive, following criminal and civil jury trials on fraud charges relating to revenue recognition.
- *In re Fannie Mae Securities, Derivative and ERISA Litigation*. We secured at summary judgment dismissal of all claims against our client, the Senior Vice President and Controller of Fannie Mae, in a securities fraud class action that was litigated for eight years in the District of D.C. The case concerned alleged accounting errors connected to the company's \$6 billion restatement.

Inspector General Investigations: We have represented dozens of clients in investigations conducted by a wide variety of inspectors general, including by the inspectors general of the Department of Treasury, Small Business Administration, Veterans Administration, Housing and Urban Development, and the Department of Justice. These investigations are often a prelude to civil, criminal, or congressional investigations and we have successfully curtailed their impact for dozens of clients. Recent representations have included:

- A top-5 bank in a multiyear investigation of its Federal Housing Administration-insured mortgage lending practices initiated by the Housing and Urban Development Office of Inspector General, DOJ, and several U.S. Attorney's Offices, which resulted in a \$200 million civil settlement with no admission of liability.
- A high-ranking FBI official in pending IG and congressional inquiries regarding presidential influence on budget and logistical decisions.
- A senior Department of Education official in an IG investigation of a purported conflict of interest in administering a Department program and spurred by congressional inquiry. Investigation closed with public report confirming no evidence to support allegation.
- Central Intelligence Agency employees and attorneys in IG and related DOJ investigation of matters related to classified enhanced interrogation techniques, persons captured and detained as enemy combatants, and Near East affairs. No clients were found to have acted improperly.
- Former GSA official called before House Committee on Oversight and Reform as a result of IG investigation of misappropriation of government funds

Environmental: We have deep experience in environmental criminal matters, having handled everything from unannounced site inspections to criminal trial defense. A few of our high-profile matters are listed below, with additional information available on the Environmental Enforcement & Litigation practice page

- *United States v. W.R. Grace.* We secured a total acquittal following a three-month jury trial in Montana federal court for our client, a W.R. Grace executive, on charges under the Clean Air Act, in DOJ's largest and longest environmental crime prosecution.
- We have represented senior executives in many high-profile environmental matters, including relating to the Deepwater Horizon oil spill, the release of chemicals at a pesticide manufacturing facility in LaPorte, Texas, and Volkswagen's certification and sale of diesel engines in the United States.

Public Corruption: Our lawyers have represented lead defendants in some of the most high-profile trials and appeals of public officials and their benefactors in the last decade.

- *United States v. McDonnell.* One of our lawyers was lead trial counsel for the former governor of Virginia Robert McDonnell, and helped reverse his political corruption conviction at the Supreme Court, narrowing the definition of an “official act” for all future public corruption cases.
- *United States v. Roberson.* We secured a sentence nearly 30 months below the Sentencing Guidelines range for our client, a senior executive of Drummond Company, following his conviction in the Northern District of Alabama on corruption charges. Our appeal of his conviction is ongoing at the Eleventh Circuit.
- *United States v. Livingston.* One of our lawyers secured the acquittal of a former principal of a government contracting company in a corruption and fraud trial in the Eastern District of Virginia.
- *United States v. Herbert Vederman.* One of our lawyers represented the former deputy mayor of Philadelphia and financial benefactor of U.S. congressman Chaka Fattah in various post-trial proceedings, securing dismissal of various bribery-related convictions and reversal of others on appeal.
- *United States v. Bridget Kelly.* One of our lawyers represented Kelly in an appeal in the “Bridgegate” case at the Third Circuit, and her convictions were ultimately overturned by the Supreme Court in a unanimous decision.

Antitrust: We have represented senior executives and companies in many high-profile antitrust matters, including in investigations of alleged fixing of LIBOR and foreign exchange rates, and of price fixing in the Japanese auto parts supply, airline freight, auto shipping, and international moving and storage industries, as well as in related False Claims Act prosecutions.

Export Controls and Sanctions: We routinely assist individuals and institutions in investigations, enforcement actions, and voluntary disclosures related to sanctions and export control laws. We also develop and advise on compliance programs for a wide range of financial and nonfinancial institutions. Select matters are listed below, with more information available on our Bank Secrecy Act/Anti-Money Laundering & Sanctions practice page.

- *United States v. Viau.* We represented a technology company executive in a criminal prosecution in federal court in the District of D.C. concerning alleged false statements in a voluntary disclosure of failure to comply with export laws. Case resolved with misdemeanor charge.

- We currently represent the general counsel of a publicly traded company in connection with export control violations arising from foreign manufacturing and dissemination of intellectual property to foreign affiliates.

Healthcare: One of our lawyers has defended many medical professionals and businesses in a wide variety of healthcare fraud investigations.

- *United States v. Holland.* We represent a former senior executive of Tenet Healthcare in an ongoing action in the Northern District of Georgia concerning alleged healthcare fraud, including alleged violations of the Anti-Kickback Statute.

Sub Practices

Topic Spotlight: Assistance in responding to government oversight of pandemic relief

The federal government's financial response to the Covid-19 pandemic is measured in trillions of dollars, and the intensity of oversight related to that response reflects this unprecedented commitment. All involved in the government's response, particularly financial services providers, should expect increased scrutiny of how those dollars have been and will be spent.

Buckley's white collar, enforcement, congressional investigations, class actions, complex civil litigation, and False Claims Act & FIRREA teams are prepared to assist with government and congressional inquiries, examinations, investigations, and government and private party litigation that arise from the pandemic response. We work closely with our financial services regulatory practices to combine the firm's core substantive experience with our deep knowledge of government investigations and litigation of all kinds.

Learn more »

Topic Spotlight: Inspector general investigations

More than 70 inspectors general throughout federal agencies and other governmental entities have the power to issue subpoenas, coordinate with civil enforcement agencies, make referrals to and work with criminal prosecutors, issue public reports, and liaise with Congress. These investigations and potential enforcement actions can significantly strain resources, impede normal business activity, and cause reputational damage.

Buckley regularly guides clients through these inquiries and investigations, including those triggered by or involving whistleblowers, as well as handles the civil and criminal enforcement actions and congressional inquiries that arise from IG investigations.

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