

BUCKLEY

White Collar Practice

Buckley's White Collar defense practice helps our clients, both corporate and individual, manage every stage of the government investigation process. We help our clients navigate grand jury investigations and internal corporate investigations, and we defend them in court. We also represent them in parallel civil and administrative litigation frequently related to criminal investigations, including Securities and Exchange Commission (SEC) enforcement, suspension, or debarment actions, civil False Claims Act (FCA) suits, professional discipline actions, congressional investigations, and shareholder derivative suits. Whether the allegations involve foreign bribery, political corruption, financial fraud, national security, antitrust, environmental crimes, criminal tax or other unique and complex issues, we defend clients in criminal and complex civil matters where bet-the-company sanctions and personal freedom, reputations, and livelihood are on the line.

Over the past three decades, our lawyers have been involved in every significant Department of Justice (DOJ) white collar enforcement initiative, including the Enron and AOL accounting fraud matters — securing an acquittal for an AOL executive in the federal criminal trial and a repudiation of the SEC's allegations in the companion civil trial; investigations of the major banks for LIBOR and Foreign Exchange rate fixing; Volkswagen for circumventing emission controls, BP for the Deepwater Horizon oil spill; the Japanese auto parts supply and auto shipping industries on criminal antitrust claims, and the Petrobras foreign bribery inquiry. One of our partners successfully defended former Virginia Governor Bob McDonnell at trial and before the U.S. Supreme Court in one of the most high profile cases in the past decade; other partners successfully defended individuals at trial in the DOJ's largest prosecution of individuals under the Foreign Corrupt Practices Act (FCPA) and the largest environmental criminal prosecution; and more recently, defeated the government in a federal prosecution of corruption and fraud in awarding government contracts.

We provide not only strategic guidance, but also intelligent and effective case management and efficient representation. We are committed to obtaining the best possible outcome either by avoiding criminal prosecution or, if need be, defending our clients in court. We have proven time and again that we will take cases to trial and win. We have the size and experience to handle the largest corporate white collar investigations and the most complex and lengthy trials, and our lawyers have substantial experience guiding individuals through the criminal procedural labyrinth.

Members of our team of experienced and talented trial lawyers have been recognized repeatedly over the past several decades by judges and their peers and praised in *Chambers* for their skill and dedication in representing clients in criminal investigations, and includes Fellows of the American College of Trial Lawyers and the American Board of Criminal Lawyers. Our team features several former DOJ Assistant United States Attorneys, the former Maryland Attorney General, the head of the Civil Division for the

U.S. Attorney's Office for the Southern District of New York, the SEC's Chief of the Office of Market Intelligence and architect of the SEC's new whistleblower initiative, and a former Public Defender Service veteran. Perhaps the highest praise comes from our peers — we are often the first call for other top tier firms when they need to refer a case due to a conflict of interest.

Notable recent work includes the representation of:

- Universal Entertainment Corp. (UEC), a large Japanese gaming manufacturer, and Aruze USA, Inc., in litigation brought by Wynn Resorts Ltd. in Nevada state court, as well as in related parallel matters. In the Nevada litigation, Wynn Resorts alleges that UEC and Aruze USA and others, committed FCPA violations that resulted in breaches of fiduciary duties toward Wynn Resorts, and justified Wynn Resorts taking action to forcibly buy back billions of dollars in shares held by Aruze USA at a sizeable discount. The litigation settled in 2018 just before the commencement of trial with Wynn Resorts paying our clients \$2.63 billion
- The former Governor of Virginia at trial and before the U.S. Supreme Court on federal political corruption charges, culminating in the reversal of his convictions
- Numerous Volkswagen executives and employees in the United States and Germany in ongoing international criminal investigations and civil litigation related to the certification and sale of diesel engines in the United States
- The Managing Director and head of Global Finance for an international investment bank in the coordinated LIBOR inquiry by multiple international government agencies, including the DOJ, the Commodity Futures Trading Commission, the U.K. Financial Conduct Authority, the U.K. Serious Fraud Office, and the German BaFin
- A senior executive of a global oil company in the civil and criminal investigations related to the Deepwater Horizon oil spill in the Gulf of Mexico
- A senior AOL executive in his federal criminal trial and in a separate SEC civil trial for fraud in connection to revenue recognition. He was acquitted by the jury on all charges in both matters
- The former CEO/CFO of an oilfield services company in an SEC enforcement action regarding alleged FCPA violations in Nigeria. Following more than two years of litigation in federal court and extensive discovery, the SEC voluntarily dropped six of seven claims against our client and agreed to a very favorable settlement just before trial in July 2014. The settlement did not include payment of any money damages or restriction on future employment opportunities
- A former principal of a government contracting company in a corruption and fraud trial brought by the DOJ and the U.S. Attorney in the Eastern District of Virginia; all four defendants who fought the charges were found not guilty

by a jury on all charges in 2016

- The owner of a military arms company in the DOJ's largest FCPA prosecution of individuals; the prosecution involved the first sting operation in an FCPA case using video and wire surveillance and an undercover informant and agents and, after a four-month trial in 2011-2012 ending in a hung jury, all charges were dismissed
- The former Senior Vice President and Controller of Fannie Mae in parallel DOJ and SEC investigations and in related shareholder litigation; the matter involved alleged accounting errors reported in 2004 by the company's regulator, the Federal Housing Finance Agency (FHFA), which resulted in a \$6 billion restatement. Summary judgment and dismissal were granted in the securities fraud class action, completely exonerating our client of the highly-publicized allegations
- The Senior Vice President of W.R. Grace in a prosecution for conspiracy to violate the Clean Air Act through the knowing endangerment of the townspeople of Libby, Montana by the alleged release of asbestos contaminating their air and homes. This was DOJ's largest and longest environmental crime prosecution which garnered national press attention due to the alleged health impact on 300 residents of Libby. The prosecution was initiated nearly 40 years after the alleged conduct concluded. Our client was acquitted on all charges after a three-month jury trial
- The CEO of a Middle Eastern manufacturing company in a joint, multi-jurisdictional investigation by the DOJ and the U.K.'s Serious Fraud Office involving the FCPA and U.K. Prevention of Corruption Act, as well as in related civil suits