



→ Gene R. Besen

Partner

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Gene Besen is a partner in the Governmental Practice in the firm's Dallas office.

Areas of Practice

Gene advises corporations, executives, and entrepreneurs across the country in navigating investigations, civil enforcement actions and criminal proceedings. He represents clients across a range of industries that need proactive strategies to mitigate and avoid scrutiny related to allegations of impropriety. Gene has guided clients to favorable outcomes in investigations brought by the Department of Justice (DOJ), Securities and Exchange Commission (SEC), Financial Industry Regulatory Authority (FINRA) and Congressional investigations brought by the House of Representatives Judiciary Committee, Homeland Security Committee, Senate Financial Services Committee, and Senate Armed Services Committee.

Gene also has extensive experience representing executives, entrepreneurs, and high-net worth individuals in criminal prosecutions around the country. Often retained in the midst of a crisis and at the outset of public investigations, he regularly advises clients on crisis communications and public relations strategies that must accompany high profile public investigations and/or indictments.

He regularly conducts internal investigations into clients' most sensitive matters and emerging issues. Gene also represents clients in a wide range of civil and commercial litigation matters. These disputes typically involve claims related to white-collar criminal matters, including False Claims Act violations, antitrust violations, healthcare fraud, securities fraud, kickbacks and fraudulent transfers.

Honors

Litigation: White-Collar Crime & Government Investigations, *Chambers USA*, 2021-2025

Commercial Litigation, *Lawdragon 500 Leading Litigators in America*, 2023, 2024, 2025

Criminal Defense: White-Collar, *The Best Lawyers in America*, 2021-2025

Listed in *Texas Super Lawyers*, 2022-2024

"Rising Stars," *Texas Super Lawyers*, 2011-2019

Best Lawyers in Dallas, *D Magazine*, 2018-2019, 2023-2025

D500, 500 Most influential business leaders in Dallas, *D Magazine*, 2023, 2024

Managing Partner of the Year, Finalist, *Texas Legal Awards*, 2024

Experience

Healthcare

- Obtained dismissal of a felony indictment sought by Department of Justice Healthcare Fraud Strikeforce on behalf of a healthcare entrepreneur following discovery of government misconduct during the pendency of the underlying investigation leading to the indictment.
- Successfully guided a healthcare marketing company through three different DOJ investigations into alleged violations of the Anti-Kickback Statute, U.S. Travel Act, by defending various physician investment models to U.S. Attorney's offices around the country.
- Obtained a misdemeanor plea on the eve of trial for physician client facing a three count felony indictment for alleged Anti-Kickback Statute violations arising from the clients' purported involvement with a compounding pharmacy.
- Tried an eight-week federal healthcare fraud case in the Eastern District of Texas on behalf of laboratory sales representative facing allegations he conspired to violate the Anti-Kickback Statute.
- Successfully represented and avoided all charges for a client physician in an investigation by Department of Justice Healthcare Fraud Strikeforce in connection with allegations of fraud and violations of the Anti-Kickback Statute relating to client's service as medical director, purported ownership, and purported involvement with multiple pharmacies and laboratories.
- Successfully represented a healthcare marketing and laboratory services company avoiding criminal proceedings initiated by the U.S. Attorney's Office for the Eastern District of Texas in connection with allegations of violations of the Anti-Kickback Statute relating to relationships with certain rural critical access hospitals.

Congressional Investigations

- Successfully guided Washington D.C. based foreign policy think tank through investigations conducted by the House Judiciary and House Homeland Security Committees related to involvement with the Election Integrity Partnership acting to flag mis and dis-information in the lead up to the 2020 election.
- Successfully guided California-based credit union through investigations conducted by Senate Banking, Housing, and Urban Affairs and Senate Armed Services Committees arising from overdraft charges and insufficient funds fees charged to newly enlisted U.S. Marines.
- Ongoing representation of major trade association in connection with an ongoing investigation by the House Judiciary Committee into possible antitrust violations and censorship concerns.

Securities, FCPA, Antitrust, Other White Collar

- Represented a COO and general counsel of a Dallas-based REIT in connection with alleged accounting and offering frauds and successfully navigated parallel SEC and DOJ investigations without any charges.
- Represented major industrial manufacturing company in connection with the largest ICE immigration raid in over a decade (over 100 federal agents and more than 200 employees detained), including successfully guiding company and lead executives to resolution of the criminal immigration investigation with a non-prosecution agreement and only misdemeanor charges.

- Represented a major industrial manufacturer in connection with allegations of corrupt payments in Russia and Ukraine. Conducted an internal investigation into possible violations of the FCPA and UK Bribery Act in Russia, Ukraine, Europe and Latin America. Advise the board of directors on self-reporting considerations and concluded the matter without any charges filed.
- Successfully represented a global healthcare company in connection with allegations that it violated the Foreign Corrupt Practices Act in connection with securing a business in Brazil. Led internal investigation into allegations of improper payments.
- Represent a California-based private equity firm and its principal in connection with an ongoing SEC investigation into an alleged real estate investment fraud.
- Successfully represented a Dallas-based private equity advisor in connection with multiple ongoing investigations by the SEC, DOJ and state attorneys general into allegations of "pay-to-play" in connection with obtaining and maintaining business from public pension funds in California, New York and New Mexico.
- Successfully represented a global auto-parts manufacturer in connection with a grand jury subpoena and related DOJ investigation into allegations of price fixing. Conducted an internal investigation and avoided U.S. prosecution of the allegations.
- Successfully represented the CEO of a Dallas-based energy company accused of perpetrating a \$500 million offering fraud in parallel SEC and DOJ investigations, obtaining favorable resolutions with both SEC and DOJ.
- Successfully represented the principal of a large Houston-based hedge fund in connection with a SEC insider trading investigation alleging ill-gotten gains in excess of \$20 million.

Civil and False Claims Act Litigation

- Represent a laboratory and its principal in claims asserted by the Department of Justice pursuant to the False Claims Act, as well as CMS proceedings initiated by the Office of Inspector General of the Department of Health and Human Services.
- Successfully settled a False Claims Act investigation in the Southern District of Texas into an ASC and medical practice litigation alleging that certain medical procedures were fraudulent and performed without the requisite medical necessity.
- Successfully represented a national hospital chain in connection with litigation brought under the False Claims Act by the U.S. Attorney's Office for the Eastern District of Oklahoma.
- Represented multiple pharmaceutical companies in False Claims Act litigation brought by the attorney general of the State of Texas related to drug pricing and drug marketing.
- Represented multiple pharmaceutical companies in average wholesale pricing litigation, brought by numerous state attorneys general, asserting claims including fraud, false advertising and violations of state consumer protection laws, including in West Virginia, Missouri, Mississippi and Alabama.

Articles

"EB-5 Enforcement on the Uptick," *Texas Lawyer*, March 18, 2021

"Telehealth Enforcement: Is It the Next Big Thing?," Law Journal Newsletters' *Business Crimes Bulletin*, March 1, 2021

"HHS Alert Is Pharma's Guide To Mitigating Anti-Kickback Risk," *Law360*, December 9, 2020

"Anti-Poaching and Wage-Fixing Agreements: Drawing the Line Between Competitive and Criminal," *Build Houston*, August 1, 2018

"The Main Chorus: Accountability," *Texas Lawyer*, July 5, 2016

Speaking Engagements

"The Biden Administration's Environmental Enforcement Agenda," 2021 Earth Month Webinar Series, April 22, 2021

"The Balancing Act: Trade Associations & Antitrust Laws," Leading Builders of America, May 24, 2018

Memberships

Dallas Bar Association

State Bar of Texas

American Bar Association

Practices

Congressional Investigations

False Claims Act

Foreign Corrupt Practices Act (FCPA)

Governmental

Healthcare

Litigation

Securities Enforcement

Securities Litigation

White Collar Defense and Corporate Investigations

Industries

Healthcare

Education

J.D., Southern Methodist University Dedman School of Law, 2004

B.A., Brandeis University, 2001

Admissions

Texas

United States Court of Appeals, 5th Circuit

United States District Court, Eastern District of Texas

United States District Court, Northern District of Texas

United States District Court, Southern District of Texas

United States District Court, Western District of Texas

United States District Court, Western District of Michigan