

White Collar Criminal Defense & Special Investigations

Stinson's attorneys leverage their business law and litigation know-how to best serve clients facing scrutiny by federal, state and local prosecutors and regulators. Our white collar defense team is well equipped to assess overlapping considerations during criminal investigations and to handle parallel proceedings, civil litigation, qui tam actions, administrative remedies and business concerns. Attorneys are ready to address the concerns of employees, investors, customers, the media and the public when companies and their executives are subject to a government inquiry.

Our White Collar Criminal Defense and Special Investigations team is steeped in prior government service, including former assistant U.S. Attorneys, trial lawyers from DOJ, assistant state attorneys general, public defenders and regulators. Our skilled advocates have led or significantly assisted with special investigations, and have tried complex cases in federal and state courts and before administrative bodies. We conduct internal investigations on behalf of company boards, governance (*e.g.*, audit) committees and legislative bodies – guiding their response to qui tam and other whistleblower reports, federal grand jury investigations and regulatory inquiries. We also counsel corporate clients on how to prevent problems from arising by designing comprehensive compliance programs and otherwise guiding them through the regulatory and legislative landscape.

CAPABILITIES

Our team of highly skilled advocates have represented clients across a range of statutes and subject matters, including but not limited to the following areas:

- Corporate fraud
- Qui tam and other whistleblower actions
- Medicare and other health care fraud
- Foreign Corrupt Practices Act (FCPA) violations
- Sales and income tax evasion, and related financial controversies
- Antitrust law violations, including criminal price-fixing
- Federal and state environmental and energy laws

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- Government contracting fraud and other False Claims Act (FCA) violations
- Occupational Safety and Health Administration (OSHA) criminal violations
- Racketeer Influenced and Corrupt Organizations Act (RICO)
- Public corruption
- Economic espionage
- Dodd-Frank Act and PCAOB
- Securities fraud and related financial services industry investigations
- Trade sanctions and export control violations

EXPERIENCE

Most of the white collar criminal matters and investigations undertaken by us on behalf of corporate and individual clients are confidential.

We are mindful that clients often prefer that proceedings be conducted fairly, quickly and quietly. Accordingly, the following list of representative matters is brief, yet it demonstrates the range of our experience.

ANTITRUST

- Represented corporate entities in investigating and defending antitrust claims in various industries, including aviation, agriculture, pharmaceutical, manufacturing, media and other industries.
- We have represented a major milk producer that was a "target" in a multistate Upper Midwest federal grand jury investigation of alleged territorial allocations among industry competitors. Following completion of grand jury deliberations, our discussions with the Antitrust Division of the Justice Department led to no criminal indictment being issued.

INTERNAL INVESTIGATIONS

- Conducted significant internal investigations that have led to decisions by federal authorities in both the United States and in Canada not to pursue criminal prosecutions.
- Special counsel for audit committees of a \$1 billion privately held financial services company that was investigating a former CFO's whistleblower claims that alleged fraudulent activity by management, and an international, publicly traded industrial company in an investigation of whistleblower allegations made against senior management.
- Conducted an internal investigation for a publicly traded company in a qui tam lawsuit, and handled related litigation, including settlement with the Department of Justice (DOJ).

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- Represented a special board committee of a publicly traded equipment manufacturing company that was conducting an internal investigation of shareholder demand alleging breach of fiduciary duty in connection with a failed merger and insider trading.
- Investigated alleged improper transactions with affiliates of a publicly traded consumer products company on behalf of the company's audit committee.

GRAND JURY INVESTIGATIONS

- Successfully represented an officer of a large commodities handling company in connection with a grand jury investigation of criminal fraud charges. In another matter, we litigated customs issues in a pre-indictment setting to earn a misdemeanor resolution of potentially more serious criminal concerns.

GOVERNMENT INVESTIGATIONS

- Investigated a state legislator accused of ethics violations at the request of the Arizona House Ethics Committee.
- Investigated allegations of billing fraud at a Medicare-Medicaid specialty provider, resulting in the coordination and preparation of a report to the U.S. Department of Health and Human Services Office of Inspector General, and communication with the provider's Medicare and Medicaid contractors.
- Represented a former governor in an investigation by the U.S. Department of Labor. The investigation concluded with no charges being filed.

ENVIRONMENTAL

- Convinced both the U.S. Environmental Protection Agency (EPA) and the DOJ to proceed with only a corporate misdemeanor charge, in lieu of action against any individual, in a water pollution matter.
- Represented a pump manufacturer in a Missouri Department of Natural Resources (DNR) whistleblower investigation concerning allegations of illegal burial of hazardous materials. DNR closed its files after ground radar, additional interviews and an on-site investigation showed the whistleblower claim to be unsupported.
- Represented chemical manufacturers in criminal environmental, EPA and OSHA investigations.

TAX EVASION

- The recent focus on corporate crime has found us representing a number of individuals and corporations facing allegations of evasion of sales, income, use and other taxes. Our firm recently represented a CEO in a substantial income and sales tax evasion matter in the District of Minnesota and a company president facing state sales tax evasion charges.

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HEALTH CARE FRAUD

- We have represented many clients in connection with federal grand jury investigations into health care fraud. We have also represented many health care providers as they manage investigations into health care practices.

COMPUTER CRIME

- Our experience finds us assisting a number of corporations victimized by computer crime, as well as individuals caught up in such allegations.

CUSTOMS FRAUD, EXPORT CONTROL & CONSPIRACY

- We defended a former corporate officer against federal customs fraud and conspiracy allegations and were successful in having the case dismissed before trial.
- We have defended entities and individuals investigated by Homeland Security and DOJ's National Security Division for alleged export control and OFAC violations.

CRIME PREVENTION PROGRAMS

- We have prepared white collar crime prevention programs for corporate clients. Under new corporate sentencing guidelines, the federal courts will be more lenient on companies that take substantial steps to prevent, investigate, and deter wrongdoing within the company.

GOVERNMENT CONTRACTING FRAUD

- We have represented two corporations in connection with a federal grand jury investigation conducted by the Criminal Fraud Section of the U.S. Department of Justice in Washington, DC. Negotiations resulted in avoidance of suspension or debarment of our clients from receiving future government contracts.

PRICE-FIXING

- We defended a major popcorn manufacturer in a civil class action price-fixing case. The client and other popcorn manufacturers were accused of violating Section 1 of the Sherman Act by conspiring to fix the price of popcorn sold to bulk purchasers. A federal grand jury also conducted a parallel investigation of the circumstances giving rise to the civil claims. At the present time, the firm is defending a major corporation in a price-fixing and territorial allocation antitrust grand jury investigation in a neighboring state.

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SECURITIES FRAUD

- We represented two securities brokerage houses with regard to a securities class action suit. We also defended a major bank against securities fraud charges and RICO claims. In another case, we were successful in obtaining a ruling that dismissed a major law firm from a federal securities fraud case.

CONSUMER CUSTOMS FRAUD

- Defended a major real estate brokerage firm against civil claims that it was legally responsible for allegedly fraudulent investment activities of one of its sales associates, and that those activities resulted in the loss of millions of dollars for the investors.

TEAM

John C. Aisenbrey

Emily M. Asp

Brittany Barrientos

Sean W. Colligan

Andrew W. Davis

Jeetander T. Dulani

Susan Warshaw Ebner

Paulina L. Escobar

Zachary A. Ford

Robin Wade Forward

Michelle A. Fox

William L. Greene

Charles W. Hatfield

Jackson Kennedy

Richard J.L. Lomuscio

Elsa Manzanares

John R. Munich

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Jeremy A. Root

William D. Thomson

RELATED CAPABILITIES

Business Litigation

Antitrust

Class Action

Education Funding Litigation

Environmental & Natural Resources

Governance, Risk & Compliance

Health Care Litigation

Business Policyholder Insurance Coverage

Securities Litigation, Arbitration & Enforcement Actions

NEWS

Aisenbrey Recognized as a Top Business Defense Attorney by Missouri Lawyers Media

05.08.2024

Securities and Financial Services Litigator Richard J.L. Lomuscio Joins Stinson in New York

04.08.2024

Hatfield Recognized as Top Appellate Law Attorney for Fourth Year in a Row

02.14.2024

Munich Co-Authors Book Examining U.S. Education Policy, School Finance and Resources

01.19.2024

Stinson Adds Commercial Litigation Associate to Minneapolis Office

09.26.2023

Dulani Explores His Past, Details Current and Future Goals in *FTCWatch* Article

08.09.2023

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Law360 Highlights Jeetander Dulani's Lateral Move to Stinson in DC

06.08.2023

Chambers USA 2023 Legal Guide Recognizes Stinson Attorneys and Practice Groups

06.05.2023

Antitrust and False Claims Act Attorney Jeetander Dulani Joins Stinson in DC

06.05.2023

Aisenbrey Named to Third Annual POWER List for Business Defense Attorneys

05.10.2023

Noteboom, Schwinger Recognized as Powerful Business Litigators in Minnesota

10.27.2022

Hispanic National Bar Association Honors Manzanares with Regional President of the Year Award

09.01.2022

Stinson Attorneys Named to *Benchmark Litigation's* 2022 40 & Under Hot List

08.08.2022

Susan Warshaw Ebner Selected to Serve on Procurement Round Table

06.02.2022

The 2022 *Chambers USA* Guide Recognizes Stinson Attorneys and Practice Groups

06.02.2022

John Aisenbrey Named to Business Defense "POWER LIST"

05.31.2022

Stinson Establishes Infrastructure Task Force to Support Clients

03.08.2022

Leadership Council on Legal Diversity Selects Stinson Attorneys for 2022 Fellows and Pathfinder Program

02.17.2022

Bill Thomson Chosen to Serve on District of Minnesota Federal Rules Committee

02.15.2022

Michelle Fox Selected to FDCC Ladder Down Program

02.10.2022

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Habib Ilahi and Janae Aune Forecast an Increase in False Claims Act and Cybersecurity Enforcement in *Attorney at Law Magazine*

12.08.2021

Stinson Attorneys Named to *Benchmark Litigation's* 2021 40 & Under Hot List

07.28.2021

Chambers USA Recognizes Stinson Attorneys and Practice Groups Nationwide

04.29.2020

EVENTS

2023 Business Law Update

03.02.2023

Business Law Update - Minneapolis

Surly's Brewing Co., 02.27.2020

PUBLICATIONS

Justice Department Updates Self-Disclosure Policy; Deputy AG Announces Further Requirements

03.02.2023

Mandatory COVID-19 Vaccination Rule for Government Contractors Continues to Develop

11.02.2021

PPP Forgiveness Application Certification May Lead to Enforcement Headaches

05.19.2020

In Wake of COVID-19 Pandemic, U.S. Department of Justice Coronavirus-Related Prosecutions Heat Up

04.03.2020

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