



GOVERNMENT INVESTIGATIONS & WHITE COLLAR CRIME

OVERVIEW

We represent clients in federal criminal defense and federal and state civil defense, including actions brought by the United States Attorney, the United States Department of Justice, the State Attorney General, and local district attorneys. Where possible, we negotiate pre-trial resolutions of charges filed by agencies such as the SEC and FDA and if necessary aggressively defend clients in litigation involved with Federal and State investigations involving the False Claims Act, Alien Tort Claims Act, The USA Patriot Act, wire and mail fraud, theft of trade secrets, and private securities class action suits. We routinely represent the aerospace, health care, oil and gas, financial, higher education, government entities and public officials, and other industries in defending against investigations and prosecutions by government agencies and attorneys, such as the Department of Justice (DOJ) (both Washington, D.C. and the U.S. Attorney); the Federal Bureau of Investigation (FBI); various Offices of Inspector General (OIG); Defense Contract Administration Services (DCAS) and Defense Criminal Investigative Service (DCIS); the Environmental Protection Agency (EPA); the Federal Aviation Administration (FAA); and the Internal Revenue Service (IRS) (Special Agents).

Companies must also dedicate resources up front for compliance programs that will prevent problems from occurring. The Foulston Siefkin team can assess risks associated with investigations and provide counsel in order to create programs to prevent and detect internal misconduct that puts the company at risk for criminal prosecution. An effective compliance program to prevent as well as detect risky conduct may include senior-level involvement, specific standards and procedures, consistent enforcement, methods of reporting violations without fear of retribution, and modifications when violations occur.

AREAS OF REPRESENTATION

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ATTORNEYS AT LAW

- Abuse of Public Office
- Alleged False Testimony before Congress
- Anti-Kickback Statute
- Antitrust Offenses
- Bank Fraud
- Bribery
- Conflicts of Interest
- Embezzlement
- Environmental Offenses
- False Claims Act
- Federal Criminal Defense
- Foreign Corrupt Practices Act Violations
- Fraud Involving Pharmaceuticals, Medical Devices & FDA Regulations
- Health Care Civil and Criminal Fraud & Related Offenses
- HUD Program Offenses
- Impermissible Collusion on Pricing
- Improper Political Contributions
- Insider Trading
- International Trade Violations
- Mail/Wire Fraud
- Manipulation/Securities Violations
- Medicare and Medicaid Fraud
- Money Laundering
- NCAA Violations
- Obstruction of Justice
- Official Misconduct
- Procurement Fraud
- Qui Tam (Whistleblower) Litigation
- Securities Fraud
- STARK Law Violations
- Tax Fraud
- Title IX and Clery Act Violations
- White collar crime

Grand Jury Investigations

- Creation of plan for collection and production of documents requested by Grand Jury

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- Analysis of information provided to Grand Jury
- Representation of clients who are witnesses, subjects, or targets of investigations
- Creation of strategies to prevent Indictment:
 - Investigation
 - Communication with prosecutors
 - Development of defenses to allegations being investigated

Government Investigations

- Representation of clients who are witnesses, subjects, or targets of investigations
- Advice to clients regarding execution of search warrants:
 - Development of strategy to protect rights of client and assure lawful compliance during execution of warrant
 - Creation and execution of plan to minimize disruption to client
- Creation of strategies to prevent Indictment:
 - Investigation
 - Communication with prosecutors
 - Development of defenses to allegations being investigated

Compliance Counseling

Guidance to clients to develop and implement policies and practices to ensure compliance with legal requirements to reduce risks of prosecution.

Defense of Criminal Prosecutions

- Conduct investigations
- Communication with prosecutors
- Successful resolution of case by agreement with prosecution, or
- Preparation and filing of pre-trial motions to determine admissibility of prosecution's evidence
- Trial

PUBLICATIONS

ISSUE ALERTS

2011

Amendments to the In-Office Ancillary Services Exception to the Stark Law

2007

Phase III of the Final Stark Law Regulations Released by Centers for Medicare & Medicaid Services (CMS)

FOULSTON

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