ECKERT SEAMANS

White Collar Defense & Internal Investigations

OVERVIEW

The White Collar Defense and Internal Investigations Group at Eckert Seamans protects individuals and corporations confronted by state and federal criminal and/or administrative investigations. We defend clients who are charged with crimes and/or named in administrative enforcement proceedings. Our attorneys wage complex civil litigation, conduct internal investigations, and provide compliance counseling that keeps clients out of trouble in the first place.

Our cases frequently involve allegations of mail and wire fraud; false claims; securities fraud; bank fraud; antitrust violations (civil and criminal), including price fixing, tax fraud, health care fraud, civil, or criminal RICO; violations of environmental crimes; money laundering; bribery; perjury; obstruction of justice; government procurement fraud; price fixing; insider trading; export violations; counterfeiting; civil or criminal forfeitures; consumer protection violations (state and federal), including state attorney general multistate litigation; and various improprieties relating to the operation of financial institutions.

Our lawyers have had substantial experience and success in resolving issues with state attorneys general before multistate enforcement action develops and in resolving investigations short of criminal charges or administrative enforcement proceedings. We are not afraid of a fight, however. We are experienced trial lawyers who are ready, willing, and able to litigate in state and federal courts nationwide.

REPRESENTATIVE MATTERS

GRAND JURY INVESTIGATIONS

We represent individuals and companies in a variety of grand jury investigations. We navigate this complex process, from conducting an internal investigation, to managing document production, to preparing witnesses for testimony, to working with the appropriate authorities. We have the experience necessary to handle grand jury investigations involving a variety of substantive areas.

COMPLIANCE COUNSELING

We create corporate compliance programs that help prevent problems before they occur. We also conduct compliance audits, analyze compliance issues, develop training tools, and conduct seminars for executives and employees. We assist in implementing and strengthening compliance programs for our clients across a variety of substantive areas.

CIVIL FALSE CLAIMS ACT AND QUI TAM LITIGATION

We defend False Claims Act and qui tam actions throughout the United States. We have represented multiple health care entities, including hospitals, pharmaceutical and medical device manufacturers, ambulance companies, home health agencies, community mental health clinics, ambulatory surgical centers, dental clinics, as well as defense contractors, and aerospace corporations in False Claims Act cases throughout the country, in both qui tam and government investigations.

ENVIRONMENTAL LAW & SHALE GAS

We represent clients accused of violating environmental laws and regulations, as well as counsel clients in various heavily regulated industries on how to meet their obligations under the same laws and regulations.

- Represented railroad in one of the largest investigations into alleged violations of environmental laws.
- Represented specialty oil producer in responding to request for worldwide recall.

EXPORT CONTROLS

We handle cases involving international exports, including matters under the Arms Export Control Act and the International Traffic in Arms Regulations (ITAR). We have made voluntary disclosures on behalf of clients to the State Department, and represent clients in investigations being conducted by the Department of Commerce, Customs, and Federal Bureau of Investigation.

FOREIGN CORRUPT PRACTICES ACT

The FCPA criminalizes bribing foreign officials and requires that all payments be accurately recorded in company books. We guide our clients who transact business internationally to deter and detect potential FCPA violations. We conduct internal investigations of suspected problem payments and design appropriate remedial strategies. And we defend against alleged violations of the FCPA.

- Conducted a corporate investigation for high technology manufacturer to determine whether the company, and or its employees or agents, violated the Foreign Corrupt Practices Act.

INTERNAL INVESTIGATIONS

By conducting effective internal investigations we are frequently able to counsel clients on regulatory compliance long before government investigations begin. We handle complex and sensitive investigations involving potential criminal activities or other misconduct for corporate boards, audit committees and special committees. We conduct these investigations efficiently, preserve all relevant privileges and evaluate the risks and rewards of various strategic alternatives.

- Represented a 350-doctor faculty practice plan in conducting an internal investigation into allegations of wrongdoing and assessing potential voluntary self-disclosure obligations.
- Internal investigations for medical device manufacturers on marketing practices and issues arising from off-label use.
- Internal investigations for pharmaceutical companies on issues arising from marketing practices.
- Internal investigations for oil company of contracting practices.
- Internal investigation for waste handling company of minority contracting issues.
- Internal investigation for transportation company arising from waste disposal issues.
- Currently represents multiple entities, both public and private, in conducting internal investigations involving a wide range of criminal, civil and ethics matters.

PUBLIC CORRUPTION

We regularly represent public officials investigated for, or charged with, public corruption. Our team includes a former Congressman and two former elected state attorneys general. They understand the multi-faceted problems faced by public officials under such scrutiny and are able to provide comprehensive crisis consulting to address all facets of the problem.

- Represented local elected official in successfully defending against a quo warranto action seeking to oust the official from office based on alleged violations of the Pennsylvania Sunshine Act.
- Represented elected officials and candidates for elective office accused of violating the City of Philadelphia Campaign Finance Laws.
- Trial and appellate court litigation experience in major complex civil and criminal cases involving public corruption.

SECURITIES ENFORCEMENT

Corporations and their employees are scrutinized by the SEC, FINRA, the DOJ, and state agencies. We defend clients at every stage of these matters – from the informal inquiry stage, through the investigation and the “Wells Notice” process, at trial or hearing, and on appeal. We have guided clients through investigations and litigation involving allegations of insider trading, improper revenue recognition, improper financial reporting, market manipulation, improper sales practices, and various accounting irregularities.

- Represented the principal of a corporation under investigation for insider trading.
- Represented a former director of a now-bankrupt specialty finance company whose rapid descent into bankruptcy spawned a United State Attorney's Office investigation, an SEC investigation, a shareholder derivative suit, a suit by bondholders, a suit by a consortium of lenders and a suit by the committee of unsecured creditors.
- Represented a stockbroker accused of participating in a "pump and dump" scheme to market worthless securities;
- Successfully defended a privately held corporation, its officers and directors, and related trusts in a multi-jurisdictional, multi-million dollar dispute alleging fraud, breach of fiduciary duty and breach of contract.

STATE ATTORNEY GENERAL INVESTIGATIONS

We have represented a number of industries in these multi-state attorney general investigative matters, with a focus on consumer protection and antitrust. Frequently, these investigations commence in one state and can expand quickly to a multi-state investigation. Our team includes two former state attorneys general, whose in-depth experience and understanding of how an AG office functions, of AG relationships, and how AGs strategize and collaborate in multi-state investigations, is invaluable. Across various practice areas, our firm can advise clients on a range of state AG matters as well as related matters with the federal government, where state AGs sometimes share dual enforcement authority with agencies including the U.S. Department of Justice, the Federal Trade Commission, the U.S. Environmental Protection Agency and the newly-created Consumer Financial Protection Bureau. Our AG practice also examines the underlying policy issue, to determine whether a matter can be addressed and resolved other than through litigation by a single AG or multi-state approach.

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- Represented a number of clients investigated by joint multi-state task forces of attorneys general, including: task forces dealing with prescription drug pricing, prescription drug abuse, prescription mail order pharmacies, alcohol, wine and beer industries, independent tobacco companies, car rental companies, and financial institutions.
- Advised an energy company that encountered a consumer protection problem raised by an AG while the company was also addressing concerns with the state utilities commission.
- Currently advising a manufacturer of highway products on relationships with AGs and developing strategy to guard against major national litigation.
- We advise clients across industries including financial services, health care, and tobacco about state AG emerging concerns, and about cost-effective, efficient and timely approaches to avoid present and future problems with state AGs, whether legal or policy-centered, individual, or multi-state.

TAX FRAUD

Our attorneys can successfully navigate the full range of complex criminal and civil matters related to tax fraud and noncompliance, from initial investigation, through trial and on appeal.