

White Collar Crime & Government Investigations

Overview

Carlton Fields represents corporations and executives in all aspects of white collar criminal matters and complex civil cases involving allegations of criminal conduct or similar wrongdoing. Our work spans everything from designing compliance programs and conducting internal investigations to defending clients in regulatory or grand jury investigations and at criminal trials. We have significant experience in the areas of business, tax, and securities fraud; trade secret theft; money laundering; Medicare and Medicaid fraud; bank fraud; forfeiture matters; and immigration crimes. We have successfully resolved matters with quiet, discrete settlements and with aggressive, full-throated defenses at trial.

Our team, which includes more than 10 lawyers with high-level experience as assistant U.S. attorneys, assistant state attorneys, and federal and state public defenders, has tried hundreds of criminal cases to judgment in bench and jury trials.

We regularly:

- Defend clients accused of crimes at trial.
- Defend during grand jury and other government investigations.
- Defend clients charged with crimes or targeted in civil enforcement actions.
- Counsel clients before federal and state courts and agencies, including the Department of Justice and the Securities and Exchange Commission.
- Conduct internal investigations for individual and corporate clients, rooting out fraud and abuse and helping them design compliance, prevention, and detection programs.
- Represent individuals and businesses victimized by crime, presenting to both federal and state authorities clients for possible criminal prosecution.

We counsel and advocate on behalf of clients in various proceedings before federal and state courts, the U.S. Department of Justice, the U.S. Securities and Exchange Commission, and other federal and

Experience

- Acquittal of military and law enforcement equipment industry executive after a three-month trial related to the accusation that 22 industry executives conspired to bribe the defense minister of Gabon to win contracts to provide body armor, weapons, and military gear in violation of the Foreign Corrupt Practices Act (FCPA). This case was the largest prosecution of individuals under the FCPA since the Department of Justice began enforcing the act. It marked the first large-scale use of undercover tactics in an FCPA case.
- Acquittal after a one-week jury trial of a Colombian seaman accused in Operation Panama Express of importing cocaine into the United States.
- Acquittal after nonjury trial of health care lawyer on indirect criminal contempt charges.
- Acquittal, following a four-week federal jury trial, of a target of a two-year-plus international marine hose investigation brought by the Department of Justice.
- Acquittal, following a six-week federal jury trial, of attorney and senior aide to the then-governor of Puerto Rico, whom the Department of Justice charged in two indictments alleging various tax fraud and public corruption violations.
- Dismissal of a federal criminal indictment charging mail and wire fraud related to alleged boiler room operation, following a two-week federal jury trial that resulted in a hung jury.
- Dismissal, before trial, of an indictment charging tax law violations.
- Unanimous U.S. Supreme Court ruling overturning client's conviction for honest-services fraud for actions taken when he was a private citizen serving as a campaign manager, not a public official. The Supreme Court rejected the theory that all private citizens with mere influence or de facto control over government decisions owe a fiduciary duty to the public. It held that such a rule was too vague, and could encourage arbitrary and discriminatory enforcement.
- Represented two federal air marshals who fatally wounded a passenger who claimed to have a bomb on a commercial airline flight at Miami International Airport. This case represents the only instance in which a federal marshal discharged a firearm in the line of duty (no criminal charges filed).
- Represented executives after more than three years of investigation by the Federal Drug Administration and the Department of Justice into off-label use of medical devices (no criminal charges filed).

- Represented the founder and CEO of a public technology company after more than two years of investigation by the Department of Justice into possible FCPA violations (no criminal charges filed).
- Acquittal of quality control executive following a 10-week federal jury trial on charges of conspiracy, fraud, and theft regarding the importation of mislabeled shrimp in a case brought by the Federal Drug Administration, Federal Bureau of Investigation, and U.S. Customs and Border Protection; co-defendants convicted at the same trial.
- Represented health care executive in a three-year antitrust investigation conducted by the Department of Justice criminal antitrust division (no criminal charges filed).
- Conducted internal investigation at the request of the parent company of a major Florida public utility in response to anonymous allegations that managers were providing false information to state regulators in a high-profile rate case.
- Dismissal of federal criminal indictment relating to alleged mortgage fraud conspiracy following a five-month trial that ended in a hung jury that voted 10-2 for acquittal.
- Multiple representations of executives in SEC investigations involving fields such as banking, finance, telemarketing, and manufacturing (no enforcement actions or criminal securities charges brought).
- Negotiated resolution of probation and home confinement for pharmacist in large oxycodone distribution conspiracy, when the application of the federal sentencing guidelines called for a much more severe result.

Insights

04.19.2024

Rethinking the Scope of Insider Trading: A Closer Look at the SEC's "Shadow Trading" Win
ABA Litigation Newsletter

09.13.2023

Verizon False Claims Act Settlement Signals DOJ's Sustained Focus on Cybersecurity-Related Violations

09.08.2023

Joint-Defense and Common-Interest Agreements in Government Investigations: Best Practices for In-House Counsel to Retain Privilege and Develop Legal Strategies

07.01.2023

Four Rules to Establish That Your Evidence Is Legit

ABA Litigation Journal

05.25.2023

AML Whistleblowers Now Have More Appetizing Options

05.24.2023

Recent DOJ Guidance on Corporate Compliance, Cooperation, and Compensation

05.11.2023

Victims With “Dirty Hands” Cannot Recover Under the Mandatory Victims Restitution Act in Second and Eleventh Circuits

04.28.2023

Axon, Gibson, Jarkesy: Continuing Challenges to SEC’s Administrative Citadel

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Corporate Executive Charged in First-of-Its Kind 10b5-1 Insider Trading Case

01.10.2023

Appearing in the Red Glare of the Rocket Docket

ABA Litigation Journal

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High Crimes and Misdemeanors: The FAA and Pilot DUIs

11.01.2022

High Crimes and Misdemeanors: Busted by the Feds: The Anatomy of a Federal Criminal Prosecution of a Drone Pilot

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Sellers Beware: Price Gouging After Hurricane Ian

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DOJ Issues New Guidance on the Investigation and Prosecution of Corporations and Corporate Officers

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ABA Sound Advice: Conducting Civil Rights Audits: Benefits and Best Practices

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High Crimes and Misdemeanors: Unruly Passengers on Flights

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Tips for Reacting to an "In-Person" Public Records Request Under Florida's Public Records Act

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High Crimes and Misdemeanors: Federal Criminal Aviation Cases From 2021

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DOJ's First Cyber-Fraud Settlement Places Emphasis on Cybersecurity Shortfalls

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"Are You In Control? Does It Matter?"

10.14.2021

New DOJ Enforcement Team Suggests DOJ May Take Additional Efforts to Recover Cyberattack Ransoms

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Sentencing Commission Data Tool Is Deeply Flawed

Law360

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New Cybersecurity Enforcement Through DOJ's Civil Cyber-Fraud Initiative and the False Claims Act

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DFS Continues Focus on Cybersecurity: Issues Ransomware Guidance and Signals Increased Enforcement Actions

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Record-Breaking SEC Whistleblower Awards Signal the Need for Robust Anti-Retaliation Policies

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OSHA to Investigate Whistleblower Retaliation Complaints Under Newest Antitrust and Money Laundering Laws

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Challenging Sentencing Guidelines With Comparable Cases

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Maintaining Privilege: A Refresher on Attorney-Client Privilege for the Remote-Work Environment

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Flynn's False Statement Charge Reveals Failed Investigation

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CARES Act Provider Relief Funding: Think Before You Deposit

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When Referrals Are Felonies: Health Care Providers Should Review Their Referral Practices to Avoid the DOJ's Wrath

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Five Steps to Minimize the Risk of Future FCA Investigations and Enforcement Actions Stemming From COVID-19 Stimulus Funding

03.31.2020

Federal and State Officials Launch Joint Efforts to Investigate and Prosecute Fraud Related to the Coronavirus

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Recent Cases Indicate Viability of False Claims Act Liability Connected to Federal Cybersecurity Standards

09.11.2019

US v. AseraCare: Eleventh Circuit Holds That Contradictory Clinical Judgments Alone Cannot Trigger FCA Liability

08.02.2019

DOJ Provides Even More Reason to Enhance (Or Create) Corporate Antitrust Compliance Programs

06.28.2019

Ethical Rules and Professional Liability Risks of Business Lawyers Advising on Executive Protection Programs

Business Law Today

03.18.2019

Trial Checklist

02.25.2019

Court Finds No Coverage for \$42 Million False Claims Act Suit Due To Late Reporting

06.20.2018

The Hidden Cost of Settling a Qui Tam Claim

12.06.2016

Whistleblowers on Campus: DOJ Adds Research Universities to its False Claims Act Focus

08.26.2016

Cyber Update: What Businesses Must Know about the New Presidential Policy Directive

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AML Update: The NYDFS's New Anti-Money Laundering Regulation and its Annual Compliance Certification Requirement

07.01.2016

Considerations for Your Company's Website Accessibility Policy

06.20.2016

Two Reasons That Two Fellows from Fargo Could Facilitate Financial Fraud

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Rule Change Would Let Law Enforcement Access Computers Remotely Regardless of Location

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FinCEN Unveils "Fifth Pillar" of Anti-Money Laundering Compliance

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Catching Corporate Hackers In Fla.: Tips For In-House Counsel

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Florida Law Mandates Police Body Camera Policies—Then Lets Agencies Fend for Themselves

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Does Your Company Website Violate the ADA?

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Florida Qui Tam Statute Applies to False Claims Made to State, not Local, Governments

03.21.2016

First District Tells Relators: Know Your Role in State Whistleblower Actions

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Record Mega-Settlements May Attract More Whistleblowers

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AML Requirements Proposed for Investment Advisers

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Executives in Crosshairs for Corporate Violations

12.23.2015

Circuits Split on Scope of Dodd-Frank Whistleblower Protection

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FinCEN's Expanding Application of the Bank Secrecy Act and Anti-Money Laundering Regulations

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A New Day: New Department of Justice Memo to Increase Prosecutions of White Collar Executives and Other Employees [PODCAST]

10.08.2015

[PODCAST] A New Day: New Department of Justice Memo to Increase Prosecutions of White Collar Executives and Other Employees

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New Department of Justice Memo to Increase Prosecutions of White Collar Executives and Other Employees

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Closing Gaps? FinCEN Proposes Anti-Money Laundering Rule for Investment Advisers

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A Firewall for the Boardroom: Best Practices to Insulate Directors and Officers From Derivative Lawsuits and Related Regulatory Actions Regarding Data Breaches

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Kane v. Healthfirst and the 60-day Repayment Rule

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Department of Labor Issues Long-Anticipated Rule Increasing Salary Level Test Applicable to White Collar Exemptions Under the FLSA

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The Ethics of Internal Investigations, Domestic and Abroad

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Healthcare Fraud Initiatives in 2015

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Anti-Money Laundering Trends: Facts, Findings, and Lessons Learned

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Eleventh Circuit Court of Appeals: Warrantless Cell Site Data Constitutional

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Food for Thought: Jail Sentences Send Strong Message to Food Industry

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A Colorful Supreme Court Case Revives the Rule of Lenity

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What Successful Whistleblowers Have in Common

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New York's Banking Regulator Proposes Tougher Anti-Money Laundering and Cybersecurity Enforcement Rules

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Witness Coaching: Blurred Lines

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New Florida Rule Requires Training for Attorneys Who Handle Adult Felony Cases

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Merely Discarding Information Won't Violate Florida's Tampering Statute

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Talking to the Feds: Do's and Don'ts

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2 New Cases Temper Post-Halliburton Expectations

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Responding to a Grand Jury Subpoena

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Book Review: The Foreign Corrupt Practices Act in a New Era.

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The Pros and Cons of Client Proffer Letters: Should You Talk to the Government?

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Appellate Ruling Addresses Cell Phone Privacy Concerns

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U.S. Supreme Court: Warrant Generally Required to Search Information on a Cell Phone, Even Incident to Arrest

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Employers Fight Back Against Whistleblowers

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Criminal Appeals for the Mostly Civil Lawyer

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Data Breach Class Action Not Barred by Lack of Individual Injury in West Virginia

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A Victory For Crime Victims In Eleventh Circuit

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New Commutation Guidance Presents Opportunities For Relief

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10 Tips for Managing Qui Tam Exposure

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Ten Steps to Help Insurers Preserve Their Right to Restitution Under Federal Victims' Rights Statutes

10.29.2013

Eleventh Circuit Clarifies District Court's Power to Order Criminal Defendants to Pay Restitution for Uncharged or Dismissed Conduct

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After *Matarranz v. State*, Florida Supreme Court Makes Juror Rehabilitation as to Bias Based on "Unfortunate Past Life Experience" Difficult, If Not Impossible

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Criminal Agreements in Antitrust Prosecutions: Through a Looking Glass

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Oral Arguments Heard In Historic "Foreign Official" Challenge

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Ninth Circuit Provides Clarity and Eases Compliance for Telecom Service Providers

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Qui Tam Case Study: Dismissal Based on Whistleblower's Lack of Standing

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How to Recognize a Government Investigation

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Applying Predictive Coding to DOJ Data Dumps

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What to Do If Government Agents Come to Your Business

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Sealing and Expunction of Criminal Records in Florida

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The Impact of the New SEC Whistleblower Rules

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New Rules Curtail Rights of Terror Suspects

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Tax Evasion: Father-and-Son South Florida Businessmen Accused of Fraud, Filing False Tax Returns

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Rebuilding Haiti: Beware of the FCPA

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Representing a Business Client Victimized by Fraud – How To Get Those Responsible Criminally Prosecuted

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Supreme Court Examines Effect of Invocation of Counsel

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Justice Department Turns Up The Heat On Corporate Executives For Their Companies' Corrupt Practices Overseas – May Lead To Jail Time And Property Seizures

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Guilt by Machine: the Problem of Source Code Discovery in Florida DUI Prosecutions

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E Original: The Best Evidence Rule in Florida

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Rule 35(b) Meets Section 3553(a) – What Can a Federal Court Consider?

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Crawford Extended: United States and Supreme Courts Expand Confrontation Clause Protections

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New Case on Class Action Settlement

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Former Puerto Rico Governor, Assistant Acquitted on All Charges in Corruption Trial

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Your Clients Have Offshore Accounts or Investments - Keeping Them Out of the Crosshairs of the IRS

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Erosion of Attorney-Client and Work Product Privileges

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Internal Investigations: Why Two Are Better Than One

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United States v. Val M. Northcutt, et. al. – An Antitrust Case Study

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"I Must Dissent." Why?

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Nobody Looks Good in Orange: Keeping Your Client and Yourself Out of Prison

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Informal Opinion: The Post-Booker World: Does the Ex Post Facto Clause Still Apply at Sentencing?

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United States v. Santos: Deciphering the Majority and Taking Lessons from the Plurality

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Special Report: White-Collar Crime

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Evidence Law Trumps the Fifth Amendment - Florida Rule of Evidence 806

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Victory in Hillsborough County Circuit Court

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Victory in the U.S. Court of Appeals for the Eleventh Circuit

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Substantial Assistance - The Key to Freedom: Representing a Cooperating Defendant in Federal Court

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Surprise, Surprise: Is Proper Notice Still Required for an Above-Guidelines Sentence in Federal Court?

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The Effects of a Crowded Deliberation Environment on Mock Jurors' Attitudes and Decision-Making

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The Sobering Reality of Forcible Blood Draws under Florida's Implied Consent Law

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Price Gouging 101: A Call to Florida Lawmakers to Perfect Florida's Price Gouging Law

10.01.2000

The Anatomy of Florida's Corpus Delicti Doctrine

03.01.1998

Beyond Noncompete Agreements, Using Florida's Trade Secrets Act to Prevent Former Employees From Disclosing Sensitive Information to Competitors

01.01.1990

Final Argument and the Failure to Call Available Witnesses

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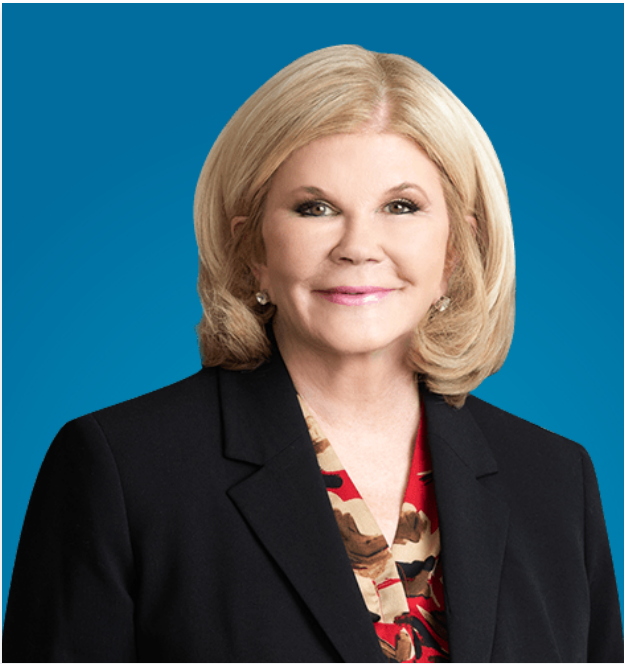


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Related Capabilities

Practices

- Antitrust and Trade Regulation
- Corporate Law and Governance
- Criminal Tax
- False Claims Act, Qui Tam, and Whistleblower Defense
- Global Anti-Corruption
- Internal Investigations
- International
- Labor & Employment

Industries

- Banking, Commercial, and Consumer Finance
- Construction
- Health Care
- Securities & Investment Companies
- Technology
- Telecommunications

- Litigation and Trials
- Tax
- Banking, Commercial, and Consumer Finance
- Construction
- Health Care
- Technology
- Telecommunications
- Telecom: Transactions
- Telecom: Litigation and Arbitration
- Securities Litigation and Enforcement
- SEC Enforcement
- Appellate & Trial Support
- Education
- Construction Transactions
- Aviation
- AdTech
- Blockchain and Digital Currency
- Cannabis Law