

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 state agencies

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

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

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, Jarkey: Continuing Challenges to SEC’s Administrative Citadel

03.23.2023

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

12.22.2022

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

10.05.2022

Sellers Beware: Price Gouging After Hurricane Ian

09.27.2022

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

09.19.2022

The Florida Security of Communications Act – Basics 101

08.15.2022

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

08.12.2022

High Crimes and Misdemeanors: Unruly Passengers on Flights

07.29.2022

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

03.23.2022

High Crimes and Misdemeanors: Federal Criminal Aviation Cases From 2021

03.21.2022

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

03.02.2022

"Are You In Control? Does It Matter?"

10.14.2021

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

10.14.2021

Sentencing Commission Data Tool Is Deeply Flawed

10.12.2021

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

07.15.2021

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

05.11.2021

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

02.26.2021

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

01.29.2021

Challenging Sentencing Guidelines With Comparable Cases

10.05.2020

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

06.12.2020

Flynn's False Statement Charge Reveals Failed Investigation

06.10.2020

CARES Act Provider Relief Funding: Think Before You Deposit

05.15.2020

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

04.30.2020

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

01.09.2020

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

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

08.16.2016

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

06.17.2016

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

05.13.2016

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

05.09.2016

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

04.26.2016

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

04.20.2016

Does Your Company Website Violate the ADA?

03.25.2016

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

12.23.2015

Record Mega-Settlements May Attract More Whistleblowers

12.23.2015

AML Requirements Proposed for Investment Advisers

12.23.2015

Executives in Crosshairs for Corporate Violations

12.23.2015

Circuits Split on Scope of Dodd-Frank Whistleblower Protection

11.09.2015

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

10.08.2015

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

09.15.2015

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

09.03.2015

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

08.14.2015

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

08.05.2015

Kane v. Healthfirst and the 60-day Repayment Rule

07.01.2015

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

06.09.2015

The Ethics of Internal Investigations, Domestic and Abroad

05.13.2015

Healthcare Fraud Initiatives in 2015

05.11.2015

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

05.08.2015

Eleventh Circuit Court of Appeals: Warrantless Cell Site Data Constitutional

04.15.2015

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

03.26.2015

A Colorful Supreme Court Case Revives the Rule of Lenity

03.25.2015

What Successful Whistleblowers Have in Common

03.23.2015

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

03.12.2015

Witness Coaching: Blurred Lines

03.11.2015

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

02.24.2015

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

11.05.2014

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

10.30.2014

2 New Cases Temper Post-Halliburton Expectations

09.17.2014

Responding to a Grand Jury Subpoena

09.01.2014

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

08.27.2014

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

07.17.2014

Appellate Ruling Addresses Cell Phone Privacy Concerns

07.17.2014

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

07.02.2014

Employers Fight Back Against Whistleblowers

07.01.2014

Criminal Appeals for the Mostly Civil Lawyer

06.24.2014

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

05.14.2014

A Victory For Crime Victims In Eleventh Circuit

05.14.2014

New Commutation Guidance Presents Opportunities For Relief

03.24.2014

10 Tips for Managing Qui Tam Exposure

10.31.2013

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

10.22.2013

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

10.17.2013

Criminal Agreements in Antitrust Prosecutions: Through a Looking Glass

10.14.2013

Oral Arguments Heard In Historic "Foreign Official" Challenge

05.01.2013

Ninth Circuit Provides Clarity and Eases Compliance for Telecom Service Providers

01.07.2013

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

10.19.2012

How to Recognize a Government Investigation

06.27.2012

Representing a Business Client Victimized by Embezzlement

03.25.2012

Applying Predictive Coding to DOJ Data Dumps

02.07.2012

Corporate Internal Investigations: A Modern Cost of Doing Business

01.25.2012

Taking Number Five In a Civil Proceeding: What You Need To Know

01.09.2012

FED's Tough Stance on Bribes Suffers Setback

01.03.2012

Exemplar Motion in Limine

12.30.2011

What to Do If Government Agents Come to Your Business

12.30.2011

Sealing and Expunction of Criminal Records in Florida

06.13.2011

The Impact of the New SEC Whistleblower Rules

03.28.2011

New Rules Curtail Rights of Terror Suspects

06.04.2010

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

04.20.2010

Rebuilding Haiti: Beware of the FCPA

01.01.2010

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

12.07.2009

Supreme Court Examines Effect of Invocation of Counsel

11.19.2009

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

10.26.2009

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

10.19.2009

E Original: The Best Evidence Rule in Florida

10.01.2009

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

09.11.2009

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

09.07.2009

Pardon Me: Jury Nullification in Florida and the Eleventh Circuit

06.03.2009

New Case on Class Action Settlement

04.24.2009

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

04.17.2009

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

04.13.2009

Erosion of Attorney-Client and Work Product Privileges

03.17.2009

Internal Investigations: Why Two Are Better Than One

03.16.2009

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

11.03.2008

"I Must Dissent." Why?

11.03.2008

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

10.27.2008

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

10.17.2008

Positioning Real Estate and Lending Practitioners to Respond to the Emergency Economic Stabilization Act of 2008

10.01.2008

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

09.01.2008

Informal Opinion: Irizarry v. United States

07.15.2008

Special Report: White-Collar Crime

03.03.2008

Informal Opinion: Watson v. United States The Supreme Court Limits the "Use" Prong

02.04.2008

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

12.07.2007

Victory in Hillsborough County Circuit Court

10.15.2007

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

07.31.2007

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

04.06.2007

White Collar Crime & Government Investigation Client Alert

03.01.2007

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

11.07.2006

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

07.01.2006

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

04.01.2006

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

Our Team

Key Contacts



Adam P. Schwartz
SHAREHOLDER

Additional Members



Alundai J. Benjamin

ASSOCIATE

Hartford

📞 860.392.5055



Ricky C. Benjamin

SHAREHOLDER

Atlanta

📞 404.815.2718



Jillian A. Blumenthal

ASSOCIATE

Miami

☎ 305.347.6847



Cathleen Bell Bremmer

OF COUNSEL

Tampa

☎ 813.229.4326



Patricia S. Calhoun

SHAREHOLDER

Tampa

☎ 813.229.4221



Stephanie Chau

OF COUNSEL

Los Angeles

☎ 310.843.6314



John E. Clabby
SHAREHOLDER

Tampa
☎ 813.229.4229



Holli Credit
ASSOCIATE

Miami
☎ 305.539.7379



Austin Marshall Eason

OF COUNSEL

Tampa

☎ 813.229.4277



Thomas M. Findley

OF COUNSEL

Tallahassee

☎ 850.425.3389



Ellyn S. Garofalo

SHAREHOLDER

Los Angeles

 310.843.6340



Simon A. Gaugush

SHAREHOLDER

Tampa

 813.229.4227



John L. Gibbons

ASSOCIATE

Washington, D.C.

☎ 202.965.8161



Caycee D. Hampton

SHAREHOLDER

Tampa

☎ 813.229.4307



Erin J. Hoyle
SHAREHOLDER

Tampa
☎ 813.229.4348



Austin L. Jackson
ASSOCIATE

Los Angeles
☎ 310.843.6338



Vanessa Singh Johannes

SHAREHOLDER

Miami

📞 305.539.7358



Ryan D. Johnson

ASSOCIATE

Miami

📞 305.539.7229



Amir Kaltgrad

SHAREHOLDER

Los Angeles

 310.843.6346



Tino M. Lisella

OF COUNSEL

West Palm Beach

 305.539.7223



Neal McAliley
SHAREHOLDER

Miami
☎ 305.530.4039



Natalie A. Napierala
SHAREHOLDER

New York
☎ 212.785.2747



Charlisa R. Odom

ASSOCIATE

Tampa

📞 813.229.4368



Dennis J. Olle

SHAREHOLDER

Miami

📞 305.539.7419



Derek J. Padilla

ASSOCIATE

Tampa

📞 813.229.4269



Edward J. Page

SHAREHOLDER

Tampa

📞 813.229.4308



Michael S. Pasano

SHAREHOLDER

Miami

📞 305.530.4064



Gene Rossi

SHAREHOLDER

Washington, D.C.

📞 202.965.8119



Robert L. Shannon

SHAREHOLDER

Atlanta

☎ 404.815.2753



Thomas V. Sjoblom

SHAREHOLDER

Washington, D.C.

☎ 202.965.8132



Lee Stapleton
SHAREHOLDER

Miami
☎ 305.530.4076



Julian C. Velez
ASSOCIATE

Tampa
☎ 813.229.4968



Peter D. Webster

SHAREHOLDER

Tallahassee

☎ 850.513.3600



Michael L. Yaeger

SHAREHOLDER

New York

☎ 212.380.9623

Related 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
- 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

Related Industries

- Banking, Commercial, and Consumer Finance
- Construction
- Health Care

- Securities & Investment Companies
- Technology
- Telecommunications