



# Adam P. Schwartz

SHAREHOLDER

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## Overview

Adam Schwartz concentrates his practice on white collar criminal defense, False Claims Act (qui tam/whistleblower) defense, and health care fraud and abuse matters. He represents individuals and corporations in internal investigations, securities and accounting fraud, asset forfeiture, real estate and mortgage fraud, defense contractor fraud, money laundering, corporate compliance, grand jury practice and procedure, and complex civil fraud defense. He advises clients on BSA/AML and Patriot Act compliance and defends bank officers and directors in FDIC litigation.

Adam advises pharmaceutical wholesalers on regulatory compliance laws including the Drug Quality and Security Act and the Drug Supply Chain Security Act.

Prior to joining the firm, Adam prosecuted money laundering and asset forfeiture matters as an assistant U.S. attorney with the Eastern District of New York.

Adam speaks regularly before other practitioners on topics ranging from health care fraud to attorney-client privilege considerations during internal investigation. He has been co-chair of the American Bar Association White Collar Crime Subcommittee for the Florida Region since 2007. Adam chairs the firm's White Collar Crime and Government Investigations Practice.

## Experience

- *United States v. HPC Healthcare, Inc.*, 723 F. App'x 783 (11th Cir. 2018). The Eleventh Circuit Court of Appeals affirmed dismissal with prejudice of a qui tam action brought against our client for the alleged fraudulent submission of medical billing to Medicare and Medicaid. The Eleventh Circuit agreed that the plaintiff had failed to plead detailed allegations sufficient to satisfy the applicable standards under Federal Rule of Civil Procedure 9(b).
- *United States v. Advanced Anesthesia*. Relator's complaint dismissed with prejudice.
- *Markland v. Insys Therapeutics, Inc.* Plaintiff's complaint dismissed with prejudice on federal preemption.
- Defended physician in FDA investigation regarding an experimental drug.
- Defended construction company in NASA criminal investigation.
- *Wellcare of Fla., Inc. v. Total Physician Sols., Inc.* Awarded \$1.8 million in arbitration.

## All Insights

03.21.2022	DOJ's First Cyber-Fraud Settlement Places Emphasis on Cybersecurity Shortfalls
10.20.2021	DOJ Unveils New Initiative to Pursue Cybersecurity-Related Fraud by Government Contractors and Grant Recipients
05.11.2021	Record-Breaking SEC Whistleblower Awards Signal the Need for Robust Anti-Retaliation Policies
10.05.2020	Maintaining Privilege: A Refresher on Attorney-Client Privilege for the Remote-Work Environment
07.20.2020	Fraud and Abuse: False Claims Enforcement Against EHR Developers <i>Speaking of Health Law</i>
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
09.20.2019	Closing the Chapter on Generalized False Claims
09.11.2019	US v. AseraCare: Eleventh Circuit Holds That Contradictory Clinical Judgments Alone Cannot Trigger FCA Liability
06.28.2019	Ethical Rules and Professional Liability Risks of Business Lawyers Advising on Executive Protection Programs <i>Business Law Today</i>
06.20.2018	The Hidden Cost of Settling a Qui Tam Claim
06.30.2016	Considerations for Your Company's Website Accessibility Policy
04.19.2016	Does Your Company Website Violate the ADA?
03.25.2016	Florida Qui Tam Statute Applies to False Claims Made to State, not Local, Governments
03.20.2016	First District Tells Relators: Know Your Role in State Whistleblower Actions
11.08.2015	FinCEN's Expanding Application of the Bank Secrecy Act and Anti-Money Laundering Regulations

09.14.2015	New Department of Justice Memo to Increase Prosecutions of White Collar Executives and Other Employees
05.10.2015	Anti-Money Laundering Trends: Facts, Findings, and Lessons Learned
06.12.2011	The Impact of the New SEC Whistleblower Rules
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
10.01.2008	United States v. Santos: Deciphering the Majority and Taking Lessons from the Plurality

## All News

05.21.2021	Carlton Fields Ranks Among Best in Chambers USA 2021 Guide
01.14.2021	Asst. U.S. Attorney Vanessa Singh Johannes Joins Carlton Fields in Miami
07.20.2020	American Health Law Association's Podcast "Speaking of Health Law" Features White Collar Attorney Adam Schwartz
04.23.2020	Carlton Fields Ranks Among Best in Chambers USA 2020 Guide
10.23.2019	Carlton Fields Adds Former Deputy Chief of the Criminal Division at the U.S. Attorney's Office for the Middle District of Florida
10.21.2019	Carlton Fields Hires Former Top-Level Federal White-Collar Prosecutor
05.03.2019	Carlton Fields Ranks Among Best in Chambers USA 2019 Guide
05.04.2018	Carlton Fields Ranks Among Best in 2018 Chambers USA Guide
03.07.2018	Adam Schwartz and Erin Hoyle Author Article in Trial Advocate Quarterly on Corporate Internal Investigations
01.25.2018	Carlton Fields Wins Appeals Court Victory in False Claims Act Case
01.24.2018	11th Circ. Won't Revive \$320M Fla. Hospice FCA Case
12.13.2017	Renowned Federal Prosecutor Gene Rossi Joins Carlton Fields
10.09.2017	Carlton Fields' Clients Prevail in Unusual Qui Tam Case

## Recognition

- AV Rated by Martindale-Hubbell
- *The Best Lawyers in America*, Commercial Litigation, Criminal Defense: White-Collar, Qui Tam Law (2021–2022)
- Florida Super Lawyers, *Super Lawyers Magazine* (2009–2010, 2019–2021)
- *Chambers USA* (2008–2018, 2021)
- Florida Legal Elite, *Florida Trend Magazine* (2017)

## Professional & Community Involvement

- American Bar Association
  - Co-Chair, Florida Region, Criminal Justice Section
- Federal Bar Association
  - Board Member, Tampa Chapter
- The Florida Bar
  - Chair, Standing Committee on Advertising (2014)
  - Chair, Thirteenth Circuit Unlicensed Practice of Law Committee "A" (2006–2010, 2017)
    - Thirteenth Circuit Grievance Committee "B"
      - ▫ Chair (2010–2011)
      - ▫ Vice Chair (2008–2010)
      - ▫ Supreme Court's Bar Admissions Committee
    - Second District Paralegal Committee
      - ▫ Chair, Tampa Branch (2009–2010)
    - Health Law Section
- American Health Lawyers Association
- American Judicature Society
- Herbert G. Goldberg-Ronald K. Cacciatore Criminal Law American Inn of Court (2005–2010)
- Hillsborough County Bar Association
- Florida Hospital Association
- Florida Academy of Healthcare Attorneys
- National Association of Criminal Defense Lawyers

## Speaking Engagements

- "Don't Go Up in Smoke: Best Practices for Managing the Latest Cybersecurity and Privacy Risks," Association of Corporate Counsel, Tampa Bay Chapter, Tampa, FL (May 19, 2022)
- "Presenting and Defending False Claims Act Complaints Through Compliance," ACC West Central Florida Chapter, Longboat Key, FL (August 6, 2021)
- "Mastering Qui Tam, Whistleblower, and False Claims CLE," Rossdale CLE (June 30, 2021)
- "A New Frontier: DOJ Enforcement Involving Health IT," American Health Law Association Virtual Fraud and Compliance Forum (October 2, 2020)
- "COVID-19 Whistleblower, Qui Tam, and False Claims Act CLE," Rossdale CLE (June 4, 2020)
- "Electronic Medical Records and the False Claims Act," ABA 29th Annual National Institute on Health Care Fraud, New Orleans, LA (May 2019)
- "Federal and State Enforcement and the Opioid Crisis," ABA 29th Annual National Institute on Health Care Fraud, New Orleans, LA (May 2019)
- "Legal Ethics for Lawyers Who Help Clients After Natural Disasters," Natural Disaster Conference, Miami, FL (April 2019)
- "Advising Boards & Management: Ethical Rules & Professional Liability Risks of Corporate Counseling Advising on Advancement and Indemnifications," ABA Business Law Section Spring Meeting, Vancouver (March 2019)
- "What to Do When the Government Comes Knocking," The Florida Bar Health Law Section Webinar (March 2019)
- "Avoiding Broken Glass: When the Government Comes Knocking," ACC West Central Florida Chapter, St. Petersburg, FL (April 2018)
- "Painting a Compliance Picture in a False Claims Landscape," ACC West Central Florida Chapter, St. Petersburg, FL (May 2017)
- "Enforcement, Compliance, and Long-Term Care: Home Health, Hospice, and Nursing Homes," Healthcare Enforcement Compliance Conference, Health Care Compliance Association, Washington, D.C. (November 2017)
- "Enforcement and Compliance in Home Health – Hospice – Nursing Homes," Health Care Compliance Association Regional Conference, Orlando, FL (February 2017)
- "Tread Carefully: The Challenges of Representing and Dealing With Whistleblowers," Georgia ICLE Health Care Fraud Institute, Atlanta, GA (December 2016)
- "Stepping Up: Taking Your Compliance Program to the Next Level in an Era of Heightened Government Scrutiny," ACC West Central Florida Chapter, Longboat Key, FL (August 2016)
- "Hospice Enforcement and Compliance," ABA 26th Annual National Institute on Health Care Fraud, Indian Wells, CA (May 2016)
- "Attorney-Client Privilege for In-House Counsel," ACC West Central Florida Chapter, St. Petersburg, FL (May 2016)
- "The Fifth Pillar: Anti-Money Laundering/Bank Secrecy Act: A Risk-Based Approach to Customer Due Diligence," Tampa, FL (April 1, 2016)
- "Dodging Bullets: Efficiencies and Ethics in Lawsuit Avoidance and Early Case Resolution," Association of Corporate Counsel, Tampa, FL (November 19, 2015)
- "Trends in BSA/AML Compliance and Enforcement," Tampa, FL (October 2015)
- "Qui Tam/False Claims Act Investigation and Retaliation," Association of Corporate Counsel Spring Symposium, Streamsong, FL (May 2015)
- "Qui Tam/False Claim Act Basics," Hillsborough County Bar Association, Health Law Section, Tampa, FL (May 2015)

- NACDL White Collar Criminal Defense College, Stetson University College of Law, Gulfport, FL (March 2015)
- "Employees and Independent Contractors – Consequences of (Mis)Classification and Ancillary Issues," Association of Corporate Counsel, Tampa, FL (September 2014)
- "M&A Regulatory Concerns," Association of Corporate Counsel Symposium, Clearwater, FL (August 2014)
- "Individual Representation – Guiding Directors, Officers, and Employers Through the Minefield," White Collar Crime Conference, Atlanta, GA (January 31, 2014)
- "How to Effectively Handle Government Investigations," Association of Corporate Counsel, Tampa, FL (September 2013)
- "Ethically Understanding the Foreign Corrupt Practices Act and Know Your Customer Considerations," Association of Corporate Counsel Annual Corporate Counsel Summer Symposium, Longboat Key, FL (August 2011)
- "Preserving the Attorney-Client Privilege: Common Issue and Problems in Criminal Investigations," Atlanta, GA (January 28, 2011)
- "Mortgage Fraud Offenses II," Federal Sentencing Guidelines Seminar, St. Petersburg, FL (May 14, 2010)
- "Ethics: Advertising and Social Media," The Florida Bar CLE: Current Issues in Condominium and Community Association Law, Tampa, FL (April 16, 2010)
- "Privileged or Not Privileged: Attorney-Client Privilege for In-House Counsel," ACC Central Florida Chapter, Orlando, FL (May 23, 2009)
- "Guideline Departures & Variances Outside the Range Under 3553 (a)," Federal Sentencing Guidelines Seminar, Clearwater, FL (May 21–22, 2009)
- "Deposing Expert Witnesses," AICPA National Forensic Accounting Conference, Las Vegas, NV (September 25–26, 2008)
- "The Ethics of Advising the Corporation on Internal Investigations: Does the Attorney-Client Privilege Matter?," White Collar Institute, Tampa, FL (May 8, 2008)
- "Attorney-Client Privilege for In-House Counsel and Corporate Legal Departments," Blue Cross Blue Shield Association's 41st Annual Lawyers' Conference, Fort Lauderdale, FL (May 4, 2007)

## Credentials

### EDUCATION

- Temple University James E. Beasley School of Law (J.D., cum laude, 1995)
- Saint Joseph's University (B.A., 1991)

### BAR ADMISSIONS

- Florida
- New Jersey
- New York
- Pennsylvania

### COURT ADMISSIONS

- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Middle District of Pennsylvania

- U.S. District Court, Western District of Pennsylvania
- Florida State Courts

## Background

- Assistant U.S. Attorney, U.S. Attorney's Office for the Eastern District of New York (2003–2005)
- Associate, Zuckerman Spaeder (1996–2003)

## Areas of Focus

### PRACTICES

- Appellate & Trial Support
- Litigation and Trials
- Qui Tam/Whistleblower Defense
- Telecommunications
- White Collar Crime & Government Investigations

### INDUSTRIES

- Health Care