



Michael L. Yaeger

SHAREHOLDER

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Overview

Michael Yaeger's practice focuses on government investigations, white collar defense, cybersecurity, and related compliance. His combination of government and private sector experience has given him deep experience managing risks that cross the boundaries between criminal, regulatory, and civil litigation, including appeals.

Michael's experience includes matters involving alleged violations of the Foreign Corrupt Practices Act, securities fraud, cybercrime, accounting fraud, tax fraud, investment adviser fraud, money laundering, health care fraud, the Federal Food, Drug, and Cosmetic Act, and the False Claims Act. Michael also advises clients on cybersecurity compliance (including data incident response, policy drafting, and commercial advice), OFAC compliance and FCPA compliance, and has assisted blockchain-based businesses in obtaining bit licenses from the New York DFS. His clients have mostly been institutions and individuals in heavily regulated sectors such as financial services and health care, but have ranged from banks, well-established private investment funds, academic medical centers, to fintech and blockchain related startups and entrepreneurs. A number of his matters have involved representing clients simultaneously in investigations by the Department of Justice or a state attorney general, the SEC, CFTC, or another civil regulator, and a private class action.

Michael also has considerable federal appellate experience, especially on white-collar, cybersecurity, and constitutional issues, and is available not only to argue cases but also to write amicus briefs.

Before joining the firm, Michael was an assistant U.S. attorney for the Eastern District of New York, where he investigated and prosecuted cases in the Business and Securities Fraud Section of the Criminal Division. He also served as his office's co-coordinator for Computer Hacking and Intellectual Property crimes.

Michael clerked for the Honorable Samuel A. Alito Jr. of the U.S. Court of Appeals for the Third Circuit (now a U.S. Supreme Court Justice), and the Honorable Milton Pollack of the U.S. District Court for the Southern District of New York. He received his J.D. from Yale Law School and his B.A. from Yale University.

All Insights

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
10.13.2021	New York City Creates Right to Sue Over Use of Biometric Data
10.12.2021	New Cybersecurity Enforcement Through DOJ's Civil Cyber-Fraud Initiative and the False Claims Act
10.04.2021	Making Good on Its Promise: SEC Pursues Cyber Enforcement Actions Against Financial Services Companies
07.15.2021	DFS Continues Focus on Cybersecurity: Issues Ransomware Guidance and Signals Increased Enforcement Actions
06.15.2021	Biden Administration Issues Practical Guidance for Ransomware Attacks
04.01.2021	Defense Lawyers Can 'Rewrite' the Sentencing Guidelines, One Case at a Time <i>The Champion, National Association of Defense Counsel</i>
01.29.2021	Challenging Sentencing Guidelines With Comparable Cases <i>Law360</i>
08.25.2020	The California Consumer Privacy Act: Are You Ready?
04.02.2020	Are You in Compliance With New York's Newest Requirement to Develop, Maintain, and Implement Reasonable Safeguards to Protect New Yorkers' Private Information?
03.31.2020	Federal and State Officials Launch Joint Efforts to Investigate and Prosecute Fraud Related to the Coronavirus
03.30.2020	Compliance Tips for Distance Learning at Independent and Public Schools
11.15.2019	When Google Meets HIPAA: Some Privacy and Regulatory Issues as Silicon Valley Enters the Health Care Space
09.10.2019	Applying the CCPA to Health Care: The HIPAA Exemption, Exercise Apps, and Marketing Data

08.29.2019	Are Banks and Other Lenders Subject to the CCPA?
07.11.2019	On Cybersecurity, Grab the Low-Hanging Fruit
07.11.2019	Supreme Court Casts a Wide Net with Rule 10b-5
07.03.2019	What to Do If the SEC Comes Knocking on Your Door
04.26.2019	CF on Cyber: GDPR Regulator Takes Narrow View of "Contract" Basis for Processing Data
03.15.2019	Cybersecurity Obligations and Best Practices for Independent Schools
12.06.2018	CF on Cyber: The GDPR's New Territorial Scope Guidelines
04.19.2018	Cybersecurity And The Board's Responsibilities – 'What's Reasonable Has Changed' <i>Forbes</i>
07.27.2017	FinCEN Issues Assessment Against Virtual Currency Exchange — the First Enforcement Action Against a Foreign-Located Money Services Business
04.05.2017	Proactive Steps to Prevent Legal Pitfalls in Bug Bounty Programs
02.17.2017	NYDFS Finalizes 'First-in-the-Nation' Cybersecurity Regulation for New York-Regulated Financial Services Companies
01.30.2017	Cyber-SARS: Anti-Money Laundering and Cybersecurity Rules
01.18.2017	Federal Banking Agencies Extend Comment Period on Proposed Cybersecurity Regulations
01.03.2017	NYDFS Revises Its Proposed Cybersecurity Regulation for Financial Services Companies
11.01.2016	FinCEN Issues Suspicious Activity Report Guidance Concerning Cybersecurity
10.24.2016	Federal Banking Agencies Propose New Cybersecurity Regulations
09.15.2016	NYDFS Proposes Detailed and Sweeping Cybersecurity Regulation for Financial Services Companies

05.01.2016	The Bangladesh Bank Hack and Compliance Programmes
03.09.2016	CFPB Targets Online Payment Platform in First Enforcement Action on Cybersecurity
10.23.2015	Securities, Futures Regulators Increase Scrutiny, Expectations on Cybersecurity
09.21.2015	Cybersecurity Update: Takeaways from OCIE's Examination Initiative and the NFA's Rulemaking Proposal,
05.04.2015	New SEC Cybersecurity Guidance: What It Means for Fund Managers
05.01.2015	Information Security: Obligations and Expectations
05.01.2015	Proactively Addressing Hedge Fund Cybersecurity Risks
05.01.2015	Q&A: Legal Defences
03.18.2015	Internal Investigations and Data Security in a Bring-Your-Own-Device Company
02.04.2015	SEC Cybersecurity Update: OCIE Risk Alert Provides Insights for Private Fund Managers on SEC Cybersecurity Examinations
12.18.2014	2nd Circuit Limits Government Searches of Electronic Records
08.01.2014	Insider Trading Developments Newsletter, Summer 2014
07.20.2014	The Right of the People to Be Secure in Their Digital Papers
01.01.2006	Prison Time, Fines, and Federal White-Collar Criminals: The Anatomy of a Racial Disparity

All News

07.21.2021	New Jersey Cases To Watch In 2021: A Midyear Report
04.19.2021	Justices To Decide If Defendants Can Invite Barred Evidence
01.29.2021	Carlton Fields' Michael Yaeger Authors Law360 Article About Capitalizing on Data to Challenge Sentencing Guidelines

12.10.2020	How FinCEN Became a Honey-pot for Sensitive Personal Data
11.21.2020	Michael Yaeger Quoted in Cointelegraph on Department of Justice's Cryptocurrency Enforcement Framework
01.01.2019	A Litigator's-Eye View of Cybersecurity
11.30.2018	Carlton Fields Adds Cybersecurity-Focused Shareholder In NY
11.26.2018	Carlton Fields Expands Cybersecurity and White Collar Practices with Addition of Former Federal Prosecutor Michael L. Yaeger

Recognition

- *The Legal 500 US*

Professional & Community Involvement

- New York Counsel of Defense Lawyers
- New York City Bar Association
 - Health Law Committee
- Eastern District Association (U.S. Attorney's Office alumni organization)
- Federalist Society
 - New York City Lawyers Chapter, Steering Committee

Speaking Engagements

- "The Future of Sentencing: A Look at the Federal Sentencing Guidelines," American Constitution Society, Florida Chapter (June 28, 2021)
- "The California Consumer Privacy Act: Are You Ready?," Carlton Fields (August 25, 2020)
- "The California Consumer Privacy Act: Getting Up to Speed With the Looming Enforcement Deadline," Carlton Fields (May 21, 2020)
- "Back to School: Distance Learning, Contracts, and Other Pandemic Challenges," (April 22, 2020)
- "Investigations and Attorney-Client Privilege," Carlton Fields (February 7, 2020)
- "An Update Regarding Data Breach Litigation & Regulations for Financial Services Companies," Carlton Fields Client Presentation, Tampa, FL (November 2019)
- SRZ Investing in Digital Assets and Blockchain Technology Webinar (August 2017)
- "Cybersecurity and What Is Happening Now That Puts You and Your Firm at Risk," Deutsche Bank (July 2017)
- SRZ Employment & Employee Benefits Luncheon for Investment Managers (May 2017)

- SRZ Insider's Guide to Government Investigations: Winning Strategies for Investment Funds (April 2017)
- "Regulatory Focus: AML, Cybersecurity, and FCPA," SRZ 26th Annual Private Investment Funds Seminar (January 2017)
- "Interactive Panel Discussion From the Leading Global Cyber Experts on Methods Used to Perpetuate Cyber Crime and the Best and Most Current Methods of Defense for Your Fund Business," Deutsche Bank Alternative Fund Services Forum (October 2016)
- "The Bangladesh Bank Hack and Insider Threat Legal Issues," SIFMA Insider Threat Roundtable (June 2016)
- "Treatises and Complex Litigation," annual guest lecture at legal research class at Yale Law School (2008–2016)
- "Surveillance and Privacy," Fordham Law School (2016)
- "Data Protection and Collection: Cybersecurity, Insurance, and Data Scraping," SRZ 25th Annual Private Investment Funds Seminar (January 2016)
- "Cybersecurity and Data Protection," Financial Markets Association Legal and Legislative Issues Conference (October 2015)
- KPMG General Counsel Peer Exchange (October 2015)
- "Convergence of Information and Physical Security," 11th AMC Conference on Securely Connecting Communities for Improved Health, North Carolina Healthcare Information & Communications Alliance (June 2015)
- "Cyber Readiness for Financial Institutions: Are You Prepared for Your Eventual Cyber Breach," Willis of New York Webinar (April 2015)
- "Information Security and IT Business Architecture — Managing a Rapidly Evolving Area," Bank of America Merrill Lynch COO/CFO Hedge Fund Symposium (March 2015)
- "Information Security: Obligations and Expectations," SRZ 24th Annual Private Investment Funds Seminar (January 2015)
- Bank of America Merrill Lynch Hedge Fund Technology, Cybersecurity and Due Diligence Teach-In (September 2014)
- SRZ Cybersecurity: Obligations and Expectations for Investment Fund Managers Breakfast (May 2014)

Credentials

EDUCATION

- Yale Law School (J.D.)
- Yale University (B.A.)

BAR ADMISSIONS

- New York

COURT ADMISSIONS

- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- New York State Courts

CLERKSHIPS

- Hon. Samuel A. Alito Jr., U.S. Court of Appeals, Third Circuit
- Hon. Milton Pollack, U.S. District Court, Southern District of New York

Background

- Special Counsel, Litigation, Schulte Roth & Zabel LLP, New York, NY (2014–2018)
- Assistant U.S. Attorney, U.S. Attorney’s Office for the Eastern District of New York (2008–2014)
- Associate, Cahill Gordon & Reindel (2005–2008)
- Law Clerk to the Honorable Samuel A. Alito Jr., U.S. Court of Appeals for the Third Circuit (2004–2005)
- Law Clerk to the Honorable Milton Pollack, U.S. District Court for the Southern District of New York (2003–2004)

Areas of Focus

PRACTICES

- Appellate & Trial Support
- Cybersecurity and Privacy
- Blockchain and Digital Currency
- Education
- Financial Services Regulatory
- Intellectual Property
- International Insurance Regulatory
- International Insurance Regulatory
- International Privacy Compliance
- Litigation and Trials
- Pharmaceuticals and Medical Devices
- Private Equity and Venture Capital
- Qui Tam/Whistleblower Defense
- Securities and Derivative Litigation
- Securities Inquiries, Examinations & Enforcement
- Technology
- White Collar Crime & Government Investigations

INDUSTRIES

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