

Criminal Defense

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OUR FOCUS AREAS

White-Collar Criminal Defense

Traditional Criminal Defense

Tax Fraud Investigations &

Prosecutions

Anti-Trust Defense

Health Care Fraud Defense

Internet Gambling

OFAC (Office of Foreign Asset

Control) & Economic Sanctions

Clayman & Rosenberg LLP provides guidance and counseling to individuals and business entities in all phases of federal and state criminal investigations and prosecutions, from pre-indictment advocacy through trial and appeal.

OVERVIEW

We always seek to achieve the best possible results for our clients, while minimizing the risks to which they are exposed. Whenever possible we endeavor to keep our clients from being prosecuted by presenting forceful and creative arguments based on a thorough mastery of the relevant facts and law. The persuasiveness of the positions we take is enhanced by the respect we have already earned from our adversaries over the course of hundreds of cases and decades of collective experience. If charges are filed against our clients, we consider every possible approach to advocate a dynamic and persuasive defense. And, if trial is necessary, we bring to bear our considerable trial experience to challenge the prosecution's case and present a vigorous defense. Whether or not a case goes to trial, we understand that full attention and effort is required every step of the way, and that pre-trial preparation and strategy are as important to a successful defense as are masterful courtroom performances.

The expertise and experience of every Clayman & Rosenberg LLP partner is available to each of the firm's clients. We regularly consult with each other to test ideas and obtain fresh insights. The attorneys of Clayman and Rosenberg LLP are committed to providing our clients with the most effective and dynamic representation possible.

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Clayman & Rosenberg LLP has long been known for its expertise in successfully guiding clients through the complex and sensitive issues associated with white-collar criminal matters. Our practice in this area takes our attorneys to federal, state and local courts nationwide and often international destinations, most recently to England, Ireland, Germany, Japan and Singapore.

OVERVIEW

Our depth of experience and sophisticated judgment facilitates the skillful representation of individuals and business entities facing a broad range of criminal charges, including securities fraud, mail and wire fraud, bank fraud, conspiracy, insider trading, money laundering, health care and insurance fraud, commercial bribery, OFAC and Economic Sanctions, RICO violations, enterprise corruption, embezzlement, larceny, perjury, obstruction of justice and violations of the Foreign Corrupt Practices Act (FCPA). Clayman & Rosenberg LLP also provides guidance to individuals with respect to potential criminal liability associated with internal and governmental investigations. Additionally, we assist in the development of preventive measures designed to avoid criminal liability.

REPRESENTATIVE MATTERS

- Successfully negotiated an almost unheard of disposition – a strict liability misdemeanor resulting in no jail time or even probation – for a pharmacist charged in the United States District Court for the Southern District of New York with the felony of conspiring to distribute prescription controlled substances.
- Successfully represented a senior executive of a Fortune 50 corporation in parallel investigations by the U.S. Department of Justice and the Attorney General of the State of New York, resulting in no charges being brought.
- Persuaded the Public Integrity Unit of the U.S. Department of Justice to terminate without prosecution a three year political corruption investigation of the former chairman of the New York State Republican Party.
- Represented the former CEO of a multinational bank in an SEC investigation into improprieties in the municipal bond market.
- Represented senior executives of a “Big Pharma” company in U.S. Department of Justice investigation into marketing practices.
- Defended the Chief Financial Officer of a major drugstore chain in a securities fraud investigation by the United States Attorney’s Office for the Southern District of New York.

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Clayman & Rosenberg LLP provides high-caliber representation to individuals in investigations and prosecutions of all types of traditional criminal charges. We regularly appear in state and federal courts in the New York City metropolitan area, as well as in a variety of other jurisdictions nationwide, on behalf of clients charged with violations of federal and state drug laws, racketeering, assault and battery, identity theft, extortion, robbery, larceny, domestic violence and gambling.

REPRESENTATIVE MATTERS

- Defended a manager targeted in an investigation of fraud in the interior construction industry.
- Represented a corporate executive in connection with an investigation of a school construction bribery scheme.
- Obtained the dismissal of all charges against a venture capital executive alleged to have engaged in spousal battery.
- Persuaded the Manhattan District Attorney's Office to dismiss all charges against an individual accused of assault.

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For more than thirty years Clayman & Rosenberg LLP has creatively and forcefully advised individuals and business entities facing civil and criminal tax fraud investigations undertaken by federal, state and local tax authorities, including the Internal Revenue Service, the New York State Department of Taxation and Finance and the Tax Division of the U.S. Department of Justice. We have successfully litigated cases involving allegations of conspiracy and filing false income tax returns, tax evasion, failure to file income tax returns, filing fraudulent sales tax returns and related crimes.

REPRESENTATIVE MATTERS

- Convinced the New York State Department of Taxation and Finance to drop its criminal investigation of an attorney who failed to file tax returns for multiple years.
- Persuaded the Brooklyn District Attorney's Office to decline prosecution of an accountant recorded on videotape allegedly counseling a client to evade income taxes.
- Dissuaded the United States Attorney's Office for the Southern District of New York from prosecuting an individual who failed to disclose an overseas account and allegedly lied to prosecutors about its existence.
- Represented numerous individuals and businesses in criminal sales tax investigations.

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Clayman & Rosenberg LLP frequently represents corporations as well as their officers, directors and employees in criminal anti-trust investigations as well as class action and multi-district litigations involving allegations of price fixing and bid rigging. Our paramount objective is to achieve our clients' goals as quickly and efficiently as possible so as to preserve their ongoing business operations.

REPRESENTATIVE MATTERS

- Price-fixing in the rubber chemical industry
- Price-fixing of airline cargo rates, manufacturing of machine parts and school milk programs
- Bid-rigging of auction rate securities, military contracts and outdoor advertising
- Cartel creation in the linen supply and vitamin industries

Additionally, we counsel clients in various industries to avoid anti-trust liability and implement effective corporate compliance programs.

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Clayman & Rosenberg LLP regularly represents physicians and other health-care professionals in state and federal health care fraud investigations and prosecutions, including those involving allegations of upcoding, unbundling and other overbilling for medically unnecessary treatments or services not rendered, billing for phantom patients and kickbacks for patient referrals. Additionally, we address the collateral consequences of criminal health care fraud investigations, such as parallel examinations by state licensing authorities.

REPRESENTATIVE MATTERS

- Defended a physician charged with defrauding Medicare and private insurers of more than \$20,000,000 through a fraudulent billing scheme.
- Prevented a senior executive of a large home health care provider from being charged with defrauding the State of New York.
- Represented numerous physicians, chiropractors, podiatrists and other health care providers charged with state and federal fraud.

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Clayman & Rosenberg LLP has been advising clients in the internet gaming industry since the industry's inception. From our representation in the 1990's of a major off-track betting franchise with online expansion plans to our current representation of one of the world's largest poker websites in negotiations with the U.S. Department of Justice, we have been at the forefront of the law in this field for over fifteen years. Clayman & Rosenberg LLP has been engaged by operators, investors, trade associations, software providers and advertisers to help navigate the complex and ambiguous web of federal and state laws governing their activities.

REPRESENTATIVE MATTERS

- Obtained the dismissal of all charges against an individual charged by the United States Attorney's Office for the Southern District of New York with various internet gambling crimes associated with a Caribbean online casino.
- Assisted an international poker website in resolving its differences with the U.S. Department of Justice in a forfeiture action arising from criminal conduct allegedly committed by its officers.
- Counseled one of the world's leading online poker network and software providers concerning compliance with U.S. gaming laws.
- Represented an owner of an international internet poker website in connection with a high-profile investigation by the U.S. Department of Justice.

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Clayman & Rosenberg LLP has represented dozens of employees of large financial institutions in connection with OFAC investigations. We have guided our clients through their employers' internal investigations and investigations conducted by the U.S. Department of Justice, the Manhattan District Attorney's Office, the Federal Reserve Bank and the New York State Banking Authority. Our clients have included individuals employed by financial institutions in New York, the United Kingdom, Singapore and Holland. We also advise multi-national companies on due diligence procedures and policy language to conform with OFAC requirements, and have successfully represented individuals accused of violating United States laws relating to sanctions against foreign nations.