

White-Collar Litigation & Investigations



Selendy & Gay's partners have decades of experience litigating a wide variety of high-stakes criminal investigations and prosecutions. Our team includes former senior prosecutors and government officials, including founding partner Faith Gay, former deputy chief of the Special Prosecutions Unit and of the Civil Rights Division in the United States Attorney's Office for the Eastern District of New York, Caitlin Halligan, former solicitor general for the State of New York and former general counsel to the New York County District Attorney's Office, and Jordan Goldstein, former federal prosecutor at the U.S. Department of Justice (DOJ). At their former firm, Faith and Jordan were members of the White Collar Practice Group of the Year as named by Law360.

We have defended litigations, investigations, and appeals brought by the DOJ, the Securities and Exchange Commission, the Commodities Futures Trading Commission (CFTC), the U.S. Department of the Treasury and its Office of Foreign Assets Control, the IRS, the Financial Industry Regulatory Authority, and a number of state attorneys general. We interact frequently with the DOJ, the U.S. Attorney's Offices in New York, the New York State Attorney General's Office, the New York Department of Financial Services, and the Manhattan District Attorney's Office, among other prosecutors and agencies.

As defense counsel, we have had dramatic courtroom and negotiation successes that have helped Fortune 500 companies fend off criminal and regulatory actions that threatened the viability of their businesses or business lines. We have counseled and represented boards and special committees on thorny governance and compliance matters. We have successfully represented individuals in high-profile cases in which prosecutors have aggressively interpreted their mandate or the statutes they enforce.

Today's prosecutions and regulatory actions are often hydras that force clients to face simultaneous scrutiny from more than one source. A criminal matter may have criminal and civil aspects, multiple agencies may investigate at once, or cross-border conduct may attract the attention of prosecutors and regulators in more than one jurisdiction. We are proficient in all these scenarios and have the skills they demand: rapid response, crisis management within the company and in the public eye, and the ability to strategize in multiple dimensions. We also well understand our clients' strong view that a cure worse than the ailment is no cure at all. Our objective is an effective, efficient, and credible defense that does not itself disable our client or our client's operations.

Central to our success in the white-collar area is our willingness to take cases to trial, if necessary. Prosecutors and regulators, no less than other adversaries, take into account courtroom risk when

they approach their cases and potential resolutions. We have defended actions and investigations brought under the securities fraud and insider trading laws, the Foreign Corrupt Practices Act, the False Claims Act and Anti-Kickback Statute, anti-money laundering statutes, trade regulations and sanctions (including the Iranian Transactions and Sanctions Regulations), health care fraud and tax laws—and more.

We have handled a wide range of white-collar litigations and investigations including:

- **Fortune 500 companies** in securities fraud investigations and larger, privately held concerns, including in matters adverse to the SEC and in cross-border investigations.
- A **pharmaceutical/life sciences company** in a price fixing investigation on allegations of collusion with competitors.
- A **financial services company** in an SEC investigation regarding corporate governance and adequate controls in a cyber hacking case that exposed customer data. The case also involved possible investor disclosure violations.
- **Two of the largest unions in the U.S.** in successfully resolving without charges allegations of campaign violations in connection with various political races.
- A **worldwide management consulting firm** in defending against a civil RICO suit filed in the Southern District of New York alleging bankruptcy fraud predicates.
- **Manhattan District Attorney Cyrus R. Vance, Jr.**, in a matter before the U.S. Supreme Court concerning whether the Constitution provides a President with immunity from criminal investigation for private, unofficial conduct.
- The **boards of a prominent New York City synagogue and Jewish school** in the investigation of Ezra Merkin and the Gabriel feeder fund, resulting in a revamp of the school board's corporate governance. Merkin was head of the school's investment committee and failed to disclose Gabriel as a feeder fund to Madoff.
- The **Alexander Dawson Foundation**, an educational charity for young children, in a suit against North Hills Management alleging the creation of a Ponzi scheme. The DOJ and CFTC subsequently asserted parallel actions, and the principal was incarcerated and defaulted in the civil suit.