



Robert D. Rose

Partner

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PRACTICE AREAS

- White Collar Defense and Corporate Investigations
- Government Contracts, Investigations & International Trade
- Litigation

INDUSTRIES

- Healthcare

OVERVIEW

Robert D. Rose is a partner in the firm's San Diego office and specializes in white collar criminal defense and all varieties of civil fraud litigation in the state and federal courts.

Areas of Practice

Criminal Defense

Mr. Rose was a federal prosecutor for twelve years, followed by the last twenty-five years as a defense attorney. He has prosecuted organized crime figures, utilizing electronic surveillance, informants, witness protection and grand juries. He has tried cases as a cross-designated Deputy District Attorney. As a defense attorney, he represents clients with criminal and civil exposure from governmental inquiries. He convicted J. David Dominelli, responsible for an \$80 million Ponzi scheme involving international arbitrage and bankruptcy fraud. He defended Gary Naiman, the president of Pioneer Mortgage, a \$200 million Ponzi scheme involving collateralized mortgage pools. Part of Mr. Rose's practice stresses avoidance and prevention of criminal conduct within corporations. He also conducts internal investigations on behalf of corporations suspected of improper conduct, such as FCPA, illegal stock options, conflicts of interest and misstatements of scientific advances.

Securities Fraud

Mr. Rose represents targets, witnesses, stock issuers, and professionals in pre-filing investigations conducted by securities regulators, as well as in filed actions. He has defended: corporate officers charged with accounting fraud; issuers engaged in real estate promotion; a law firm whose clients sold commodities contracts; telemarketers selling unregistered securities; an insurance company selling unregistered securities; the directors of a conglomerate, sued for breaches of fiduciary duty in a hostile takeover by a publicly traded corporation; accountants and lawyers accused of making misrepresentations.

He has served as counsel and a panelist in FINRA arbitrations.

Class Actions and Derivative Suits

Mr. Rose has significant experience in a variety of class actions involving securities and employment issues. He represented former executives of a publicly traded computer manufacturer in consolidated class actions arising from restatements of earnings and

insurance company executives sued for investment losses.

Business Litigation

Mr. Rose regularly appears in federal and state courts in a variety of matters, often involving fraud allegations. He is expert in RICO prosecution and defense, both civil and criminal. His clients have included individuals and businesses named in qui tam suits and FDIC actions.

EDUCATION

- J.D., University of California, Los Angeles, 1974
- B.A., University of California, Los Angeles, 1971, *cum laude*

ADMISSIONS

- California
- All Districts of California
- N.D. of Illinois
- Seventh, Ninth, Tenth and Federal Circuits

EXPERIENCE

Mr. Rose has represented: Samsung Electronics; Sequenom; Sempra Energy Solutions; PerkinElmer; Vivid Technologies, Inc.; Trusthouse Forte; Baldwin Enterprises, Inc.; Pacific Ship Repair & Fabrication, Inc.; City of Banning, California; San Diego Unified Port District; Handlery Hotels; Hana Bank; Copley Press; Host International; International Rectifier.

HONORS

- AV® rating from Martindale Hubbell
- Best Lawyers in America, 2006, 2007, 2008, 2009, 2010, 2011, 2012
- San Diego Super Lawyers, 2007, 2008, 2009, 2010, 2011
- San Diego's Top Attorneys, San Diego Magazine, 2007, 2008
- Voted one of San Diego's top white collar defense lawyers, San Diego Magazine, 2007, 2008
- Voted Top Ten Criminal Defense Lawyers, San Diego Daily Transcript, 2005
- Outstanding Trial Lawyer, Consumer Attorneys of San Diego, 1998
- Special Achievement Award, United States Department of Justice, 1985
- Honors Program, United States Department of Justice, 1974
- Regents Scholar, U.C.L.A., 1967-1971

MEMBERSHIPS

- Lawyer Representative, Ninth Circuit Judicial Conference
- Member, Association of Business Trial Lawyers, San Diego Chapter
- Former Board Member, Association of Business Trial Lawyers, San Diego Chapter
- Member, Federal Bar Association
- Member, American Bar Association
- Former Member, Southern District of California Magistrate Judge Review Committee

ARTICLES

- "New Way of Doing Jurisdiction," *The Recorder*, January 27, 2012
- SEC Changes Policy on Admitting Guilt in Settlements of Enforcement Actions, *Sheppard Mullin Corporate & Securities Law Blog*, January 11, 2012
- Illegal Clinical Trials of Bone Cement Sends Executive to Prison, *Sheppard Mullin Healthcare Law blog*, December 16, 2011
- How to Turn a Bankruptcy Reorganization Into an Insider Trading Charge, *Sheppard Mullin Corporate & Securities Law Blog*, September 30, 2011
- Five Tips From a Criminal Defense Lawyer to a Civil Practitioner, *Association of Business Trial Lawyers*, Spring 2010
- Co-author, "Dealing with the Working Whistle-Blower Under SOX", published by the *Society of Human Resource Management*, March 10, 2009
- 'I'm being deposed.' Why take the Fifth? Why not?, *San Diego Daily Transcript*, June 5, 2008
- Q&A With Sheppard Mullin's Bob Rose, October 25, 2007
- Criminalization of Noncompliance: How Do GC's Protect Their Companies and Themselves, September 24, 2007
- Moderating Influence Needed To Survive Corporate Investigations, *SHRM Online*, June 26, 2007
- Document Retention Policies Remain Crucial in Wake of Supreme Court's Andersen Ruling, June 30, 2005
- New Corporate Reform Law, August 4, 2002
- The Sarbanes-Oxley Act of 2002, *SMRH Client Update*, August 2002
- Recovering from Dishonest Employees and Their Accomplices, *SMRH Labor & Employment Update*, February 2002

SPEECHES

- "Compliance From a Multidisciplinary Perspective." ACC America panelist, March 17, 2005
- Speaker, "Going Paperless: What Are the Legal Issues?", 2008 Factoring Conference, April 2008
- Speaker, "Criminalization of Non-Compliance: How General Counsels Protect Their Companies and Themselves", California Law Roundtable, June 2007
- Moderator, "Practice Before the Federal Magistrate Judges," ABTL program, October 2004 and June 2008
- Creator and Panelist, "Business Crimes and Their Collateral Consequences," California CEB statewide program (1995-1996, 2002)
- Instructor, "Federal Criminal Processes" course, University of San Diego Law School (1982)
- Lecturer, Attorney General's Advocacy Institute (1983-1984)