



## Frank J. Polek

### Special Counsel

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### PRACTICE AREAS

- Litigation
- White Collar Defense and Corporate Investigations

### OVERVIEW

Frank J. Polek is Special Counsel in the White Collar and Civil Fraud Defense and Business Trial Practice Groups in the firm's San Diego office. His practice centers around commercial litigation and white collar criminal defense.

### Areas of Practice

Mr. Polek's civil practice has been wide and varied. For example, he has defended: financial institutions and cellular providers sued for allegedly-deceptive fees; a cellular provider sued for alleged improper placement of cell towers; directors of a public company in a series of consolidated securities fraud actions, shareholder derivative actions and an SEC suit following a restatement of the company's financials; a large publicly-traded company in a state law antitrust claim, sued for allegedly engaging a "group boycott"; a firm and one of its principals in \$300 million claim for defamation and interference with prospective economic advantage; a company and its principal in claims for service mark and trademark infringement; companies sued in *qui tam* actions for false claims to the government, in both the health care fields and in the defense industry; a telecommunications company accused in a class action complaint of unfair business practices under 17200 of the Business & Professions Code; and individuals and companies sued under the RICO statute.

Mr. Polek's criminal practice has always been on the defense side. He has defended individuals accused of a wide variety of crimes. These include bank fraud, false loan applications, mail fraud, wire fraud, securities fraud, false statements to governmental entities, Medicare and Medi-Cal fraud, tax evasion and false tax returns, etc. Mr. Polek also represents victims of crimes, such as where a company or individual seeks restitution or other justice but where law enforcement is reluctant to act.

### EDUCATION

- J.D., Georgetown University, 1993, Associate Editor of the *Georgetown Journal of Legal Ethics*, research assistant to two professors
- A.B., International Relations, University of Southern California, 1990, *magna cum laude*

### ADMISSIONS

- California
- U.S. District Courts for the Southern, Northern and Central Districts of California
- U.S. Court of Appeals for the Ninth Circuit

**MEMBERSHIPS**

- Member, State Bar of California (Litigation and Criminal Law Sections)
- Former Co-Chair, Federal Court Committee of the San Diego County Bar Association
- Member, American Bar Association
- Member, Federal Bar Association
- Member, San Diego County Bar Association
- Former Director, Neighborhood House Association, a non-profit community service organization

**ARTICLES**

- "Repairing Lives of the Wrongfully Accused Is No Simple Task", Los Angeles Daily Journal, March 25, 2008
- "New Law Deters Abuse of Class Action Suits", May 5, 2005
- "The Future of the Patriot Act", May 6, 2004
- "Know They TMP (Tax Matters Partner)," San Fernando Business Journal, March 31, 2003
- "Keeping Step with the USA Patriot Act", May 21, 2002
- "Recovering From Dishonest Employees and Their Accomplices," February 2002

**Corporate & Securities Law Blog Articles**

- "Second Circuit Holds That "Interpositioning" Transactions Do Not Constitute Deceptive Acts To Support Criminal Securities Fraud Liability", August 7, 2008