



Michael W. Emmick

Special Counsel

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PRACTICE AREAS

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

OVERVIEW

Mike Emmick represents companies and individuals involved in criminal, civil, and administrative enforcement matters and complex commercial litigation. He also conducts internal investigations and recommends compliance programs and other preventative measures.

Mr. Emmick is particularly well known for his work on high-profile white-collar cases and long-term investigations of fraud, corruption, or regulatory matters, often involving public figures or large corporations. He recently represented the following clients in high-profile matters:

- Lance Armstrong, in the FDA/DOJ investigation of doping in cycling
- CVS Pharmacy, in the FDA/DOJ investigation of sudafed sales
- A witness in the federal corruption trial of Orange County Sheriff Michael Carona
- A victim-company in the Galleon, Rajaratnam insider-trading case in New York
- A witness in the City of Bell excessive-salary prosecution in Los Angeles
- A witness in the Anna Nicole Smith accidental-death prosecution

Mr. Emmick has also represented many companies and individuals in less-public controversies. For example, in federal grand jury investigations he represented a real estate investment company suspected of operating a Ponzi scheme, and a computer software company suspected of commercial kickbacks. He has conducted internal investigations for General Electric, Northrop Grumman, and CVS Pharmacy. He has represented defendants and witnesses in actions under the False Claims Act alleging off-label marketing, illegal pharmaceutical sales, and various types of false and fraudulent billings.

Mr. Emmick's areas of substantive expertise include domestic corruption (bribery, gratuities, conflicts of interest), foreign corruption (the FCPA and the UK Bribery Act), commercial corruption (kickbacks), procurement fraud (product substitution, false testing, mischarging), health care fraud, bank fraud, securities fraud, mortgage fraud, telemarketing, investment fraud, campaign finance violations, environmental crimes, tax fraud, asset forfeiture, money-laundering, the False Claims Act, customs and arms-export violations, espionage and other national security matters.

Before entering private practice, Mr. Emmick was an Assistant U.S. Attorney (AUSA) for 25 years in Los Angeles, where he handled 35 jury trials, chiefly in the white collar arena, including a 5-month police-corruption trial and a 7-month RICO trial, which received the Attorney General's Award for Trial Excellence. At the U.S. Attorney's Office, he held 5

supervisory and management positions, including 8 years as Chief of the 30-attorney Public Corruption & Government Fraud Section, and 7 years as Special Counsel to the U.S. Attorney.

Mr. Emmick is perhaps best known for his work from 1997-2000 with the Office of Independent Counsel in Washington, D.C., where he handled the Clinton/Lewinsky investigation, first as Associate Independent Counsel and later as Deputy Independent Counsel.

Other significant matters that Mr. Emmick handled as an AUSA include the prosecution of former Arizona Governor Fife Symington, for real estate fraud; the investigation of the Milberg Weiss law firm, for a kickback scheme involving class-action securities-fraud cases; the prosecution of Katrina Leung, a suspected Chinese double-agent, and her FBI handler, J.J. Smith, for espionage-related national-security offenses; the DOJ CampCon investigation of campaign-financing violations by foreign nationals; and a 5-year series of 40 police-corruption prosecutions known as Operation Big Spender. In the 1990's he spearheaded the prosecution efforts (and related False Claims Act litigation) against numerous defense and aerospace contractors in cases involving product substitution, false testing, and mischarging.

Mr. Emmick is also known for his extensive public speaking, his teaching at local law schools, his writing on white-collar subjects, his work with various bar associations, and his commitment to the international rule of law. The details of that work can be accessed via the tabs above.

Teaching

Between 1986 and 2011, Mr. Emmick has taught a variety of courses at four Los Angeles law schools: University of Southern California, Loyola, Southwestern, and Pepperdine. The courses and years taught are as follows:

- White Collar Crime (2009, 2008, 1997, 1996)
- Combating Corruption (2011, 2008, 2007)
- Federal Criminal Law (2009)
- Trial Advocacy (2008, 1992, 1991)
- Advanced Trial Advocacy (2002)
- Evidence (1993, 1994)
- Advanced Criminal Procedure (1990, 1989, 1988, 1987, 1986)

Mr. Emmick has also taught trial advocacy at the National Institute of Trial Advocacy (NITA), the Hastings School of Trial and Appellate Advocacy, the Attorney General's Advocacy Institute (AGAI), and the National Advocacy Institute (NAC).

EDUCATION

- J.D., University of California, Los Angeles, 1978, Order of the Coif; Comment Editor, UCLA Law Review; Moot Court Honors Program
- B.A., University of California, Santa Barbara, 1974, Phi Beta Kappa, *magna cum laude*

CLERKSHIPS

- Judicial clerkship with Judge Ellsworth A. VanGraafeiland III, Second Circuit Court of Appeals, New York
- Extern-clerkship with Justice Frank Richardson, California Supreme Court

ADMISSIONS

- California, 1980
- U.S. Court of Appeals for the Ninth Circuit, 1981
- U.S. District Court, Central District of California, 1981

HONORS

- Sherwood Prize for Combating Hate Crimes, Anti-Defamation League, 2008
- Member of trial team receiving the 2007 Attorney General's Award for Distinguished Service, awarded for the 2006 RICO prosecution of the leaders of the Aryan Brotherhood prison gang
- Director's Award, Special Commendation for Outstanding Service, Department of Justice, 1991
- Special Achievement Awards, Department of Justice, 1987, 1989

MEMBERSHIPS

- As set forth below, Mr. Emmick's Associations include work with Bar Associations and work for International Rule of Law.
- **Bar Association Work:**
 - Member, Judicial Elections Committee, Los Angeles County Bar Association, 2011-present
 - Member, Parallel Proceedings Subcommittee, ABA Criminal Law Section, 2011-present
 - Member, Global Anti-Corruption Task Force, ABA Criminal Law Section, 2011-present
 - Member, Planning Committee, ABA Criminal Justice Section Conference, 2011-present
 - Federal Bar Association, 2009-present
 - Judicial Appointments Committee, Los Angeles County Bar Association, 2001-07
 - Inns of Court (Criminal Law), 2003-present
 - Member, Public Corruption Subcommittee, West Coast White Collar Crime Committee, ABA Criminal Law Section 2001
 - Vice-Chair, West Coast White Collar Crime Committee, ABA Criminal Law Section 1996-97
 - Juvenile Justice Committee, Los Angeles Country Bar Association, 1981-82
- **Rule of Law Work:**
 - Member, Global Anti-Corruption Task Force, ABA Criminal Law Section, 2011-present
 - Member, Core Organizing Committee, Curriculum Subcommittee, Daily Manager, Public/Private Partnership for
 - Justice Reform in Afghanistan, 2008-09 (two-week rule-of-law program to train 14 Afghan women judges and lawyers in the workings of the U.S. justice system, and how aspects of the U.S. system might be utilized in Afghanistan)
 - Consultant, United Nations Office on Drugs and Crime (UNODC), 2007-present (worked on a "toolkit" of techniques for addressing transnational organized crime and corruption)
 - Representative, Caribbean Regional Anti-Corruption Workshop, Montego Bay, Jamaica, 2004 (speaking to 50 representatives from 15 Caribbean countries)
 - Representative, Joint Program with OPDAT and ABA Central and Eastern European Law Initiative (CEELI) in Tbilisi, Georgia October-December 2001 (providing technical assistance regarding the investigation and prosecution of corruption and fraud cases, and assisting in amending Georgia's code of criminal procedure)

- Speaker, ABA-CEELI Anti-Corruption Program, Moscow, 2001 (speech on the U.S. experience with the Independent Counsel Act)
- Representative, Moldovan Anti-Corruption Workshop, Chisinau, 1999 (speaking to judges, lawyers, and legislators about corruption investigations and prosecutions)

ARTICLES

- Don't Expect Much From DOJ's New FCPA Guidance, *Law360*, January 25, 2012
- The New Law of Anticipatory Obstruction of Justice, *Corporate Board Member*, September 6, 2011
- A Trap for the Unwary: Comparing Federal and State Practices Regarding Admonitions of Secrecy Made to Grand Jury Witnesses, *In Hot Pursuit*, Summer 2011
- Debate rages over FCPA enforcement: a 30,000-foot perspective, *Los Angeles Daily Journal*, July 20, 2011
- A Closer Look at the 2010 UK Bribery Act - Part 2, *Los Angeles Daily Journal*, May 31, 2011
- A Closer Look at the 2010 UK Bribery Act, *Los Angeles Daily Journal*, May 27, 2011
- Delayed Implementation of the 2010 UK Bribery Act: The Devil is in the Details, *Corporate Board Member*, March 3, 2011

Government Contracts Law Blog Articles

- Amendment of Federal Sentencing Guidelines Calls for Updating of Compliance Policies, July 12, 2010

White Collar Defense Blog Articles

- The Travel Act – The FCPA's Red-Haired Stepchild, February 2, 2012
- Got Pot? The Feds Try to Make Mortgagee Banks Liable Under the Crack House Statute, January 19, 2012

SPEECHES

- Mr. Emmick has given well over 100 speeches and other presentations on various subjects as part of training, educational, and bar programs, not to mention dozens of presentations at the U.S. Attorneys Office and numerous law-enforcement agencies such as the FBI, DCIS, NCIS, HHS, SBA, EPA, FDA, DOL, DOC. A representative sample is described below by subject, year, and audience/forum.
- "The Foreign Corrupt Practices Act," 2011 (speaker at University of Southern California, Marshall School of Business, Plenary Session)
- "The Foreign Corrupt Practices Act," 2011 (speaker at University of Southern California, Politics of Criminal Justice course)
- "Rapid Fire Highlights of Developments in White Collar Crime," 2011 (speaker at Sheppard Mullin Business Trials Practice Group Retreat, Huntington Beach, CA)
- "The Foreign Corrupt Practices Act," 2010 (speaker at University of Southern California, Politics of Criminal Justice course)
- "The Foreign Corrupt Practices Act," 2010 (speaker at University of Southern California, Marshall School of Business, Plenary Session)
- "Rapid Fire Highlights of Developments in White Collar Crime," 2010 (speaker at Sheppard Mullin Government Contracts Practice Group Retreat, Las Vegas, NV)

- "Handling High Profile Cases," 2010 (moderator of panel at Fidler Institute on Criminal Justice Symposium, Loyola Law School, Los Angeles)
- "New Developments in the False Claims Act," 2010 (moderator of panel at ABA White Collar Crime Section, Panel Presentation, Los Angeles, CA)
- "Prosecuting/Defending High Profile Cases," 2009 (moderator of panel at Regional Conference of North American Pacific Asian Bar Association)
- "Investigating, Prosecuting and Defending Corrupt Politicians," 2009 (moderator of panel at Fidler Institute on Criminal Justice)
- "Negotiating Plea Agreements," 2009 (presentation at Pepperdine Law School)
- "Parallel Criminal, Civil, and Administrative Proceedings in Health Care Fraud Cases," 2009, 2008, 2007 (presentations at Pepperdine Law School)
- "The Clinton/Lewinsky Investigation," (numerous dates)(presentations to students at Yale, Loyola, Pepperdine, and USC law schools; Tbilisi State University, Tbilisi, Georgia)
- "The U.S. Sentencing Guidelines," 2008 (presentation to French judges at Ecole Nationale de la Magistrature in Paris and Bourdeaux)
- "Criminal RICO," 2008 (presentation at Pepperdine Law School)
- "Prosecuting and Defending Lawyers and Judges," 2008 (moderator of panel at Fidler Institute on Criminal Justice)
- "Common Fraud Schemes: False Testing," 2007 (presentation at DOJ's National Advocacy Center)
- "Pre-Indictment Decisions and Issues in Procurement Fraud Investigations," 2007 (presentation at DOJ's National Advocacy Center)
- "Pro-Active Investigations in Public Corruption Matters," 2007 (presentation at DOJ's National Advocacy Center)
- "The Foreign Corrupt Practices Act," 2007, 2006, 2005 (presentations at USC Marshall School of Business and to a private industry group, along with members of Bryan Cave Law Firm)
- "Intelligently Using Intelligence: The Foreign Intelligence Surveillance Act and the Classified Information Procedures Act" 2006 (presentation at International Bar Association's 9th Annual Transactional Crimes Conference, in Madrid)
- "Trial Objections," 2006 (presentation at DOJ's National Advocacy Center)
- "Prosecuting Police Corruption," 2005, 2004 (presentations at DOJ's National Advocacy Center; and at the Caribbean Regional Anti-Corruption Workshop, in Jamaica)
- "Presenting Evidence in Police Corruption Trials," 2004 (presentation at Caribbean Regional Anti-Corruption Workshop, in Jamaica)
- "Grand Jury Investigations," (numerous)(presentations at DOJ's National Advocacy Center and Loyola Law School)
- "Public Service Careers," 2004 (panelist at UCLA Law School program)
- "Tips of the Trade: Federal Trial Advocacy," 2003 (presentation at Annual Meeting of ABA Business Lawyers Section)
- "Authentication," 2003 (presentation at DOJ's National Advocacy Center)
- "The Right to Counsel," 2002 (presentation at USC Law School)
- "Grand Jury Secrecy," 2002 (presentation at USC Law School)
- "Conflicts of Interest and Joint Defense Agreements," 2002 (presentation at DOJ's National Advocacy Center)
- "Investigating Corporations," 2002 (presentation at DCIS national in-service training)

- "Search Warrants, Grand Jury, Attorney-Client Privilege, and Contacts with Represented Persons," 2002 (presentation at Conference of Inspectors General)
- "Comparing Criminal Law and Procedure in the United States and the Republic of Georgia," 2001 (presentation to judges, legislators, and attorneys in Tbilisi Georgia)
- "Investigating High Profile Cases," 2000 (presentation at Yale Law School)
- "The Independent Counsel Act," (numerous)(presentations at Central and Eastern European Law Initiative (CEELI) in Moscow; San Francisco Lawyers Club, San Francisco)
- "Prosecuting Public Corruption Cases in the United States," 1999 (multi-day presentation on behalf of DOJ in Chisinau, Moldova)
- "Prosecutorial Misconduct," 1999 (presentation to National Association of Criminal Defense Lawyers)
- "Corporate Criminal Liability and Sentencing," (numerous)(presentations to National Association of Security Consultants; ABA Litigation Section Symposium; ABA Convention, Corporate Counsel Section, Young Lawyers Division)
- "Investigating Export Enforcement Violations and Anti-Terrorism," 1997 (presentation at Department of Commerce Agents)
- "Attorney-Client Privilege Issues for In-House Counsel," 1997 (presentation at MacDonnell Douglas Corporation)
- "Parallel Proceedings," (numerous)(presentation at DOJ's National Advocacy Center)
- "Corporate Investigations," 1996 (panelist at conference jointly conducted by the American Bar Association and the Federal Bar Association)
- "Taking the First Step to Federal Court," 1995, 1994 (panelist with federal judges)
- "Prosecution of Federal Environmental Crimes," 1994 (presentation at Environmental Law Conference by Los Angeles County Bar Association and Sierra Club)
- "The Right Stuff: Managing Your Career to Success," 1994 (panel for Women's Lawyers Association and Los Angeles County Bar Association)
- "Jury Selection in High Profile Cases," 1993 (panel at Orange County Federal Bar Association)
- "Corporate Sentencing Guidelines for Environmental Crimes," 1992 (presentation and testimony before Working Group of U.S. Sentencing Commission)
- "Prosecuting Defense Procurement Fraud," 1992 (presentation at DOJ's Financial Crimes Conference)
- "Search Warrants in Defense Procurement Fraud Investigations," 1990 (presentation at DOJ Financial Crimes Conference)
- "Prosecuting Arms Export Enforcement Cases," 1989 (panel at Orange County Federal Bar Association)
- "Prosecuting Kickback Cases," 1989 (presentation to Purchasing Management Association)
- "Contacts with Represented Persons," (numerous)(presentations at DOJ's National Advocacy Center; Attorney General's Advocacy Institute; U.S. Attorney's Office, Portland, OR; U.S. Attorney's Office, Seattle, WA)

EVENTS

- Sheppard Mullin & Control Risks FCPA Workshop