



→ Michael J. Gilbert

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Michael Gilbert is a partner in the Government Contracts, Investigations and International Trade practice group in the firm's New York office.

Areas of Practice

Michael, a former federal prosecutor, served as an Assistant U.S. Attorney (AUSA) in the Southern District of New York prior to entering private practice. While serving as an AUSA, he investigated and prosecuted matters involving a wide variety of federal criminal laws, including mail and wire fraud, bribery, healthcare fraud and violations of the Foreign Corrupt Practices Act (FCPA). He represented the government in numerous jury trials and argued appeals before the U.S. Court of Appeals for the Second Circuit.

In private practice, Michael has focused on government and internal investigations and white collar criminal defense. He advises individuals and companies in a range of industries – including financial services, healthcare, life sciences, fintech and cryptocurrency – in navigating sensitive, complex government investigations conducted by a range of enforcement authorities, including the U.S. Attorney's Offices for the Southern and Eastern Districts of New York, the Enforcement Division of the Securities and Exchange Commission, the New York Attorney General's Office, the New York City Department of Investigation, and the Manhattan District Attorney's Office. He has also represented individuals and entities in connection with matters under investigation by regulators and enforcement authorities in other countries, including Canada, Hong Kong, Luxembourg, and the United Kingdom. Michael has extensive experience with FCPA matters and is regularly consulted about FCPA issues in the context of transactions such as potential mergers and acquisitions. Michael also litigates civil cases, including cases arising under the False Claims Act. He has extensive experience with criminal tax investigations.

Experience

- Obtained complete dismissal of criminal charges for an individual who had been indicted by the U.S. Attorney's Office for the Southern District of New York in a tax fraud case.
- Obtained a complete dismissal of criminal charges for a **Mexican national** who had been indicted by the U.S. Attorney's Office for the Southern District of New York for money laundering.
- Representation of a **London businessman** in a FCPA investigation by the SEC and U.S. Attorney's Office for the Eastern District of New York.
- Representation of a **former employee of a major investment bank** in connection with a FCPA investigation by the SEC and Department of Justice.

- Representations of **several employees of a major investment bank** in connection with an investigation by law enforcement authorities in several jurisdictions in connection with the setting of LIBOR.
- Representation of a **former Chief Compliance Officer of an investment advisor** whose owner was indicted for operating a Ponzi scheme.
- Representation of a **Brooklyn-based business** in connection with an investigation of alleged unlawful “structuring” and money laundering.
- Representation of a **hedge fund** in connection with an insider trading investigation of a current and former portfolio manager.
- Representation of a **hedge fund** in responding to subpoenas from the SEC relating to an insider trading investigation.
- Representation of a **non-profit agency** in connection with investigations by the New York Attorney General, the New York City Department of Investigations and the U.S. Attorney’s Office for the Southern District of New York of alleged financial improprieties.
- Representation of an **executive of a major investment bank** regarding residential mortgage-backed securities.
- Representation of a **former employee of a major investment bank** in connection with auction rate securities.
- Representation of a **boutique investment bank** in a civil case alleging negligent misrepresentation in connection with a merger.
- Representation of a **Hong Kong-based hedge fund** in connection with a market manipulation investigation and a civil defamation action in New York State Supreme Court.
- Representation of an individual in a criminal tax prosecution by the U.S. Attorney’s Office for the Southern District of New York.

Articles

Corporate & Securities Law Blog

- “May 2022 Crypto Enforcement Actions and Regulatory Guidance Roundup,” June 6, 2022

Government Contracts and Investigations Blog Posts

- “The Second Circuit Court of Appeals Finds That French Banker Need Not Travel to the United States to Seek Dismissal of Her Indictment,” August 16, 2021

Healthcare Law Blog Posts

- “Sutter Health Settles Medicare Fraud Case For \$90 Million: The Largest Settlement For Medicare Advantage Fraud,” September 13, 2021

Practices

Securities Enforcement

Government Contracts, Investigations & International Trade

Litigation

Industries

Cannabis

Life Sciences

Education

J.D., University of Pennsylvania Carey School of Law, 1994, *magna cum laude*, Order of the Coif

B.A., Tufts University, 1991, *cum laude*

Clerkships

United States District Court for the Eastern District of Pennsylvania, Honorable Donald VanArtsdalen

United States Court of Appeals for the Second Circuit, Honorable Joseph McLaughlin

Admissions

New York

United States Court of Appeals for the Second Circuit

United States District Court for the Eastern District of New York

United States District Court for the Southern District of New York