



## JUSTIN C. DANILEWITZ

### PARTNER

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#### SERVICES

Cybersecurity and Privacy  
Commercial Litigation  
Securities Litigation  
White Collar and Government  
Enforcement  
Regulatory Compliance and  
Government  
Congressional Investigations  
Appellate  
Environmental, Social and  
Governance (ESG)

#### INDUSTRIES

Higher Education  
Life Sciences  
Health Care  
Government Contracts  
Financial Services  
Long-Term Care

Justin C. Danilewitz draws upon his trial and investigative experience as a former federal prosecutor to zealously defend individuals and entities facing civil and criminal enforcement actions, conduct internal investigations, and respond to whistleblower complaints and false claims (qui tam) suits. Justin is ranked in Chambers USA, 2021, in the category of "America's Leading Lawyers in Litigation: White-Collar Crime & Government Investigations." Reviews published with the ranking describe Justin as having "a truly superb legal mind" with an "ability to distill the facts and the pertinent case law to formulate nuanced and compelling arguments" that "is quite simply world-class." Justin was further described as having a "positive, persistent and tenacious approach with a 'never give up' attitude."

Indeed, after multiple meetings with the government failed to dissuade the prosecutors from charging an energy company employee in a 59-count criminal complaint, Justin obtained the dismissal of all charges in that complaint – before trial, and after a lengthy preliminary hearing – after his cross-examination of the lead investigator revealed critical failures in the prosecution's proof.

In 2020, the U.S. Department of Justice agreed, after a demonstration of the defense, to dismiss with prejudice an indictment against a company client after the United States Attorney's Office had improvidently indicted the client on charges of conspiracy, mail fraud, and theft of government funds. On the heels of that dismissal, Justin took on the representation of individually charged defendants in the same case, facilitating the eventual dismissal of charges against dozens of such individuals, and the public collapse of the government's years-long prosecution.

In 2019, Justin persuaded the U.S. Attorney's Office of the Southern District of New York, and the New York Regional Office of the U.S. Securities and Exchange Commission, not to proceed with charges against a client in an insider trading investigation, after the SEC had expressed its intention to do so in a "Wells Notice" issued to the client.

Together with Partner Natasha Tidwell, Justin was selected to serve as counsel to the court-appointed independent monitor of the pharmaceutical manufacturer Mallinckrodt, in a five-year monitorship arising out of Mallinckrodt's bankruptcy proceeding stemming from national opioid litigation.

Justin also serves as vice chair of the Firm's Appellate Practice. An experienced appellate advocate and accomplished legal writer, Justin has written appellate briefs in both criminal and civil matters, and has represented public interest organizations as amicus counsel of record before the U.S. Supreme Court. Justin successfully led the briefing and oral argument in the Pennsylvania Supreme Court relating to a matter of international interest – the Pennsylvania Attorney General's grand jury investigation into the Catholic Church – resulting in two landmark precedential opinions in favor of the clients, protecting the constitutional right to reputation, and changing the nature of grand jury practice in Pennsylvania. The Pennsylvania Association of Criminal Defense Lawyers recognized Justin for his successful efforts in this matter with the prestigious Alan Jay Josel Award for Advocacy.

Justin was named to The Legal Intelligencer's 2019 Power Players list.

## EXPERIENCE

### Internal investigations experience across diverse industries

- Internal investigation for private equity firm in response to Financial Industry Regulatory Authority ("FINRA") inquiry into possible front-running by firm's employee.
- Internal investigation for public company into allegations of self-dealing by senior employees in acquired division.
- Internal investigation for hedge fund arising from U.S. Department of Justice ("DOJ") investigation into insider trading on information derived from "expert networks."
- Internal investigation for organization into potential exposure under the Foreign Agents Registration Act ("FARA")

### Defense of criminal and civil investigations

- After a series of meetings and presentations, convinced the U.S. Attorney's Office for the Southern District of New York, the FBI, and the Securities and Exchange Commission to reverse their decisions to charge the client – a former executive vice president of one of the nation's largest brokerage firms – with criminal and civil insider trading charges, which could have resulted in imprisonment, a \$500,000 fine, and disgorgement of several hundred thousand dollars. In addition, despite a two-year probe and issuance of a Wells Notice, the client's name and reputation remained protected from publicity throughout the investigation.
- Investigation by U.S. Securities and Exchange Commission (SEC) into private equity firm's portfolio company investment.
- Investigation by New York Attorney General (NYAG) into due diligence performed by bank in residential mortgage-backed securitizations.
- Investigation by DOJ, SEC, U.S. Commodity Futures Trading Commission, and U.K. Financial Services Authority into possible role of bank's employees in improper submission of rates to London Interbank Offered Rate (LIBOR) panel.
- Investigation by SEC and NYAG into alleged involvement of chairman of private

equity firm in corrupt "pay-to-play" practices in Office of the New York State Comptroller.

- Investigation by SEC into allegations of insider trading at private equity firm.
- Representation of multiple government contracting companies in criminal and civil litigation before U.S. Attorney's Offices and state Attorneys General Offices.

## Anticorruption and compliance counseling

- Preparation of policies, procedures, and training materials for companies in financial services, mining, and manufacturing sectors seeking to comply with international anticorruption laws, including the U.S. Foreign Corrupt Practices Act ("FCPA").
- Development of compliance policy and procedures for organization to mitigate risk of exposure for activities under Foreign Agents Registration Act (FARA)

## Federal prosecution experience

- Justin led the successful prosecution and conviction of a defendant pharmacist, following a five-week jury trial, who was charged with maintaining a pharmacy as a premises for the illegal distribution of oxycodone. Justin and his trial team, including agents of the Federal Bureau of Investigation and U.S. Drug Enforcement Administration, presented the testimony of physicians, pharmacists, expert witnesses, company employees, and law enforcement and cooperating witnesses, to prove that the pharmacist knowingly distributed and dispensed oxycodone to addicts and dealers, contrary to written commitments the pharmacist had undertaken in due diligence questionnaires he had signed with his supplier.
- Justin and his colleagues charged multiple inmates of Federal Correctional Institution Fort Dix with distributing and conspiring to distribute images and videos of child pornography, which the inmates - who were all already serving lengthy sentences for prior child pornography offenses - viewed on contraband micro SD cards and smuggled cell phones within the prison.
- Justin led the successful prosecution and conviction, following trial, on charges of Hobbs Act Robbery conspiracy, drug trafficking conspiracy, and firearms offenses, of a career offender who had conspired with others to rob a drug stash house and kill its occupants in a sting investigation led by the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). Justin and his trial team, including the ATF agents, presented evidence of conspiratorial text messages forensically extracted from the defendant's cell phone, along with highly incriminating statements made in a covert video recording.
- Justin led the successful indictment and extradition from Bogota, Colombia, of a drug trafficker who ultimately pleaded guilty in the United States to conspiring to import heroin into the United States through Newark Liberty International Airport.
- Justin led the successful prosecution, resulting in a guilty plea, of the owner of a water filtration company who had failed to pay state taxes in various jurisdictions where he conducted business.
- Justin led the successful prosecution of a career con artist and fraudster who ultimately pleaded guilty to charges of travelling across state lines to have sex with a minor, defrauding retirees out of more than \$100,000 in savings, and using a false identity to commit his wire fraud. After cross-examination by Justin at a hearing on the defendant's subsequent motion to withdraw his guilty plea, the defendant decided to proceed with his guilty plea and was sentenced to a term of 25 years' imprisonment.
- Justin presented the testimony of dozens of witnesses, including numerous experts, at two six-week jury trials, following charges against more than two dozen defendants, in the prosecution of a violent Atlantic City, New Jersey drug gang which

followed a six-month wiretap investigation. The investigation succeeded in recording evidence of a homicide committed in real time during the course of wiretap interception. It also, ironically, resulted in interception of discussions of two members of the conspiracy regarding watching the famed HBO series, "The Wire," which was itself about a wiretap investigation.

- Justin led the prosecution of a business owner who ultimately pleaded guilty to charges of immigration fraud and money laundering.

## HONORS

Named a "Future Star" in Pennsylvania by *Benchmark Litigation*, 2022

Named one of "America's Leading Lawyers in Litigation: White-Collar Crime & Government Investigations" by Chambers USA, 2021

*Alan Jay Josel Award for Advocacy* presented by the Pennsylvania Association of Criminal Defense Lawyers for advocating for constitutional rights in a statewide investigative grand jury (April 25, 2019)

Named to *The Legal Intelligence's* 2019 Power Players list

Certificates of appreciation from the U.S. Attorney's Office, District of New Jersey, for "outstanding contribution to the successful prosecution of" *United States v. Joseph Caracciolo* and *United States v. Bryan Jacobs*.

FBI certificate of commendation: "In recognition of your outstanding prosecutive skills and the assistance you provided to the FBI. Your actions were in the highest traditions of the Department of Justice and bring honor to your Office and to the entire Department."

Alfred P. Rubin Prize in International Law, The Fletcher School (2004)

David L. Boren Fellowship (2003)

Dorot Fellowship in Israel (1999-2000)

Harvard-Hebrew University Fellowship (1999-2000)

Eric Firth Prize, Harvard Government Department award for outstanding thesis on the ideals of democracy (1999)

## MEMBERSHIPS AND AFFILIATIONS

Lankenau Medical Center Foundation, Board Member

Pennsylvania Association of Criminal Defense Lawyers

Secretary, Federal Criminal Law Committee for the Eastern District of Pennsylvania

National Association of Criminal Defense Lawyers

American Bar Association

## EDUCATION

M.A.L.D., Fletcher School of Law & Diplomacy, Tufts University, 2010

J.D., University of Pennsylvania Law School, 2007

- Editor-in-Chief, University of Pennsylvania Law Review

A.B., Harvard University, *magna cum laude*, 1999

## BAR ADMISSION

New York

Pennsylvania

## FIRM MANAGEMENT POSITIONS

Appellate Practice Group, Vice Chair

## CLERKSHIPS

Honorable Richard C. Wesley, U.S. Court of Appeals for the Second Circuit (2007-2008) Foreign Law Clerk, President Aharon Barak, Israel Supreme Court (Summer 2005)