

Moe Fodeman

PARTNER

Litigation
New York

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FOCUS AREAS

Board and Internal
Investigations

Litigation

Strategic Risk and Crisis
Management

White Collar Crime

HIGHLIGHTS

■ Diverse Litigation Practice

Moe focuses on white collar criminal defense, U.S. SEC enforcement defense, compliance and regulatory matters, and complex civil and intellectual property litigation.

■ Experienced Trial Attorney

He has held lead or first-chair responsibility in more than 40 jury trials in both federal and state courts.

■ Government Experience

Moe served for nearly seven years as a federal prosecutor in the Criminal Division of the U.S. Attorney's Office for the Eastern District of New York.

■ Thought Leadership

Moe is a member of the teaching faculty of the Harvard Law School Trial Advocacy Workshop and serves as an adjunct professor at both Emory University School of Law and Fordham University School of Law.

EXPERIENCE

Moe Fodeman, a fellow in the American College of Trial Lawyers, is a partner in the litigation department and co-head of the firm's white collar and government investigations practice. His practice is focused on white collar criminal defense, Securities and Exchange Commission enforcement defense, compliance and regulatory matters, and complex civil and intellectual property litigation. He regularly conducts internal corporate investigations and advises boards of directors, audit committees, and special committees on sensitive matters involving potential misconduct by corporate personnel.

Moe, a highly recognized and experienced trial attorney, has held lead or first-chair responsibility in more than 40 jury trials in both federal and state courts, as well as in numerous bench trials and commercial arbitrations. He is named in the 2020-2023 editions of *Chambers USA: America's Leading Lawyers for Business*, where sources describe him as "a phenomenal trial lawyer with a number of significant trial victories" and someone with an "incredible memory for cases that offer successful

tactics” who “has a wealth of experience, is able to cut to the chase very quickly on the key issues, and has a fantastic manner with clients, juries, and judges.”

Prior to joining the firm, Moe served for nearly seven years as a federal prosecutor in the Criminal Division of the U.S. Attorney’s Office for the Eastern District of New York, where he held various supervisory positions in both the General Crimes and Terrorism Sections, and most recently served as the chief of the Public Integrity Section. During his tenure, Moe investigated, supervised, and prosecuted some of the highest-profile and most sensitive cases in the office, including those involving complex business, bank, securities, mortgage, and healthcare fraud; public and labor corruption; bribery; tax fraud; obstruction of justice; racketeering; terrorist financing; civil rights; import/export controls; weapons trafficking; and money laundering. Prior to his work as a federal prosecutor, Moe served as an Assistant District Attorney in Brooklyn.

Moe has tremendous success as a first-chair trial attorney. In June 2022, a jury acquitted Moe's client of all charges in a case brought by the Department of Justice alleging a \$165 million Medicare fraud scheme. Moe was recognized by *American Lawyer’s* Litigator of the Week for that stunning win. Earlier in 2022, Moe secured a unanimous jury verdict in San Diego Federal Court in a complex patent infringement suit.

In October 2019, Moe was named “Legal Lion of the Week” by *Law360* for his win in the Platinum Partners criminal case. Moe represented the fund’s chief of investment officer in a criminal jury trial in the Eastern District of New York where his client was charged with multiple counts of securities and investor advisor fraud, wire fraud, and conspiracy arising out of what the government describes as “the largest Ponzi Scheme since Bernie Madoff.” After a 13-week trial, Moe’s client was acquitted on all counts.

Moe has received numerous other accolades throughout his career, including the Justice Department’s Attorney General’s Award for Distinguished Service. The *National Law Journal* recently named Moe to its list of Criminal Law Trailblazers. He has also been repeatedly named to *Lawdragon 500 Leading Litigators in America* and *New York Super Lawyers*.

Moe is a member of the teaching faculty for the Harvard Law School Trial Advocacy Workshop. Moe also serves as an adjunct professor at both Emory University School of Law and Fordham University School of Law, where he teaches criminal prosecution and defense. He speaks frequently at conferences on topics of criminal law, internal investigations, white collar defense, and trial advocacy.

Moe dedicates a significant portion of his time to pro bono matters. He currently holds an appointment to the Criminal Justice Act Panel for the Eastern District of New York, through which he regularly represents indigent defendants in federal criminal proceedings.

CREDENTIALS

Education

- J.D., Emory University School of Law, 1997
- B.A., Government and Law, Lafayette College, 1994
With Honors

Honors

- Fellow in the American College of Trial Lawyers, one of the premier legal associations in North America
- Repeatedly recognized in *American Lawyer’s* Litigator of the Week in 2020 and 2022
- Recognized as a “National Practice Star” and a “Local Litigation Star (New York)” in White Collar Crime, *Benchmark Litigation US*, 2021
- Named in the 2020-2023 editions of *Chambers USA: America’s Leading Lawyers for Business*
- Named to the list of 2020 Criminal Law Trailblazers by the *National Law Journal*
- Named “Legal Lion of the Week” by *Law360*, October 2019
- Listed in 2023 and 2024 editions of *Lawdragon 500 Leading Litigators in America* for white collar, investigations, and IP litigation
- Recognized in the 2012-2019 and 2021 editions of *New York Super Lawyers*
- Named 2013 “Person of the Year” by the New York City Police Department Detective’s Union
- Recipient of the 2009 Federal Law Enforcement Foundation Investigator of the Year Award

- Recipient of the 2008 United States Attorney's Office Excellence in Criminal Litigation Award as part of the trial team in a four-month multi-defendant racketeering trial
- Recipient of the 2007 Attorney General's Award for Distinguished Service as a member of the trial team in a five-month capital racketeering trial involving the murder of two New York City police detectives in the line of duty. The trial resulted in the only federal death penalty verdict in a New York courtroom in more than 50 years

Admissions

- State Bar of Connecticut
- State Bar of New York
- U.S. District Court for the District of Connecticut
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York
- U.S. Court of Appeals for the Second Circuit

MATTERS

Recent Representative Criminal and Regulatory Matters

- Representing former Credit Union executive in connection with historic criminal and regulatory matters brought by the Department of Justice (DOJ) and Department of the Treasury's Financial Crimes Enforcement Network (FinCEN) alleging violations of the Bank Secrecy Act
- Representing derivatives trader in connection with DOJ Fraud Section insider trading investigation
- Representing former alternative energy company executive in connection with Foreign Corrupt Practice Act investigation led by DOJ
- Representing financial services company founder in connection with DOJ and U.S. Securities and Exchange Commission (SEC) investigation into collapse of crypto firm Genesis
- Representing executive in connection with Commodity Futures Trading Commission (CFTC) investigation of a decentralized options trading platform
- Represented a European derivatives trader at a global bank in connection with investigations being conducted by the DOJ and the SEC into possible violations of the Foreign Corrupt Practices Act in Libya
- Represented partners at two major law firms in connection with public corruption investigations by the U.S. Attorney's Office, EDNY
- Represented a global financial institution in connection with the DOJ's Antitrust Division investigation into the alleged rigging of foreign currency (FX) benchmarks
- Represented a State Street Bank executive charged with securities fraud by the DOJ's Fraud Section and the U.S. Attorneys' Office in Boston
- Represented a former senior officer of a leading U.S. investment bank in the internal investigation and related high-profile DOJ and SEC investigations into possible Foreign Corrupt Practices Act violations in Southeast Asia
- Represented a former senior executive of a New York City District Attorney's Office in connection to a federal grand jury investigation into campaign finance violations
- Represented a healthcare professional indicted in connection with an alleged \$165 million Medicare fraud prosecuted by the DOJ Fraud Section and U.S. Attorney's Office, EDNY. Jury acquitted client of all counts at trial.
- Represented a Hong Kong-based global banking executive in connection with an internal investigation and accompanying DOJ Fraud Section and Antitrust Division investigations into potential U.S. Treasury auction manipulation
- Represented an individual charged with criminal export control violations prosecuted by the U.S. Attorney's Office, EDNY and the DOJ, Counter-Espionage Section
- Represented an individual charged with multimillion-dollar art theft by the U.S. Attorney's Office, SDNY
- Represented various company executives in an investigation conducted by the DOJ, Antitrust Division, National Criminal Enforcement Division, grand jury investigation into alleged cartel and price-fixing activity within the Japanese auto parts industry
- Represented a public online education company in connection with consumer fraud investigations by various state attorneys general
- Represented a global bank executive in connection with historic money laundering and OFAC investigations by the Department of Justice, U.S. Senate Permanent Subcommittee on Investigations, and New York County District Attorney's Office
- Represented the founder and principal of a proprietary trading firm in the Galleon insider trading cases brought by the U.S. Attorney's Office, SDNY, and the SEC

- Represented a former assistant district attorney charged by the U.S. Attorney's Office, EDNY, with illegal wiretapping

Recent Representative Internal Investigations

- Conducted internal investigation of whistleblower allegation brought by insurance company general counsel against CEO and other senior executives
- Conducted an internal investigation into whistleblower allegations of billing improprieties by a New York-based law firm
- Conducted an internal investigation on behalf of an international transportation conglomerate into alleged accounting fraud by top executives
- Represented the internal audit committee at a publicly traded bank in an internal investigation into allegations of accounting fraud by the CEO and other bank officers

Recent Representative Civil Matters

- Representing medical device company in \$100,000,000 royalty dispute in California Superior Court
- Trial counsel for public company in breach of fiduciary duty claim against a former board member in Delaware Chancery Court
- Represented public medical device company in patent infringement case in S.D. Cal. Jury unanimously found in client's favor that defendant willfully infringed the client's valid patents
- Represented the former CEO and president of a national title insurance and mortgage servicing company in a breach of contract suit against his former employer, which culminated in an over \$15 million verdict after a five-week jury trial, believed to be the largest judgment in the history of Sonoma County, California
- Represented a private equity firm in connection with a dispute with selling shareholders of an acquired technology firm, which resulted in a seven-figure settlement
- Represented several selling shareholders of a multinational conglomerate in merger litigation, which resulted in a multimillion-dollar arbitration victory as well as attorneys' fees and costs awards
- Represented a leading pharmaceutical company in commercial arbitration before the International Centre for Dispute Resolution (ICDR)

INSIGHTS

Speaking Engagements

- "Obstruction: Interfering with Justice or a Prosecutor's Hammer?" Federal Bar Council panel, October 2018
- "Public Corruption Cases: The Defense Perspective," Federal Bureau of Investigation, Program Coordinator and Supervisor Training, New Orleans, March 2015
- "Hot Topics in Corporate Internal Investigations," D.C. Bar, October 2010
- "Proving Leadership Through Inference in Complex Criminal Cases," International Criminal Court (ICC), The Hague, The Netherlands, November 2009
- "Discovery in Federal Criminal Cases," Kings County Criminal Bar Association, April 2009
- "The Government's Notice of Intent to Seek the Death Penalty," United States Department of Justice National Advocacy Center, South Carolina, October 2008
- "Case Study: United States v. Wilson," Association of Government Attorneys in Capital Litigation, San Francisco, August 2008
- "Federal Criminal Litigation: Post-Indictment Issues," Kings County Criminal Bar Association, March 2008