



Emily R. Schulman

RETIRED PARTNER

BOSTON

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Emily Schulman had extensive trial and appellate experience in white-collar matters, with particular emphasis on healthcare and financial industries. She briefed and argued dozens of cases before the United States Courts of Appeals, and tried more than 20 jury trials in the United States District Courts. Her practice focused on internal and governmental investigations and white collar defense. She had extensive experience representing companies, boards of directors and their committees, and individuals in internal investigations, criminal litigation, government enforcement actions, and federal and state grand jury investigations involving allegations of healthcare fraud, false claims, economic fraud and securities violations.

Prior to joining private practice, Ms. Schulman served as an Assistant United States Attorney in the US Attorney's Office in Massachusetts for more than a decade. In that capacity, she investigated and prosecuted economic and white-collar fraud, money laundering and tax violations, and political and public corruption cases.

Professional Activities

Ms. Schulman was co-chair of the Boston Bar Association's Health Law Section, and serves on the Board of Directors of the Massachusetts Association of Criminal Defense Lawyers. She was a Visiting Lecturer at Harvard Law School since 2010. In 2013, she was a Visiting Professor at Srednerusskiy University in Russia, teaching US criminal law and criminal procedure. She also was a Visiting Assistant Professor at Villanova University School of Law, teaching courses on criminal law, criminal procedure and white-collar crime. Ms. Schulman conducted trainings nationally and internationally on criminal investigatory and enforcement matters and developments in healthcare and securities law. She was also a member of the First Circuit Criminal Justice Act Screening Committee and a member of the US District Court Criminal Justice Act Panel.

Experience

- Persuaded US Attorney's Office to decline to bring criminal or civil charges against a multinational pharmaceutical company in a multi-year health care fraud investigation;
- Represented multinational pharmaceutical company in multiple, multi-year parallel civil and criminal investigations focusing on off-label marketing, anti-kickback and false claims allegations (global settlement ~ \$425 million);
- Represented Fortune 500 healthcare company in multi-year parallel federal criminal and civil FDCA and False Claims Act investigations;
- Represented Director of Marketing for multinational pharmaceutical company in federal Anti-kickback and False Claims Act investigation;
- Represented treatment facility physician in state Medicaid fraud investigation;
- Represented pharmaceutical company in congressional inquiry into payments to healthcare professionals;
- Conducted multiple internal investigations for pharmaceutical and medical device companies focusing on off label promotion, anti-kickback, and FDCA allegations;
- Secured denial of class certification and dismissal of case against medical products manufacturer in securities fraud class action;
- Persuaded US Attorney's Office and Securities and Exchange Commission to decline criminal and civil charges against hedge fund Founder and Lead Portfolio manager in insider-trading investigation;
- Represented hedge fund Founder and Lead Portfolio manager in parallel federal criminal and SEC insider trading investigation;
- Secured denial of class certification and dismissal of case against financial software company in SEC fraud class action;
- Conducted internal investigation for Board of Directors of financial institution focusing on internal audit and economic modeling functions;
- Persuaded SEC and administrative oversight body to decline action against Special Committee of communications technology company in SEC fraud investigation and administrative delisting proceedings;
- Persuaded Department of Justice and Securities Exchange Commission to decline charges against S&P 500 technology company in multi-year parallel federal civil and criminal fraud investigation;
- Persuaded SEC to decline charges against former Chief Financial Officer and Chief Operating Officer of semi-conductor manufacturing company in SEC fraud investigation;
- Represented CFO and Chief Compliance Officer of investment management company in SEC investigation and collateral administration proceedings concerning alleged market manipulation, securities fraud and disclosure violations;
- Persuaded US Attorney's Office to dismiss criminal charges against defendant in pro bono gang prosecution;
- Persuaded US Attorney's Office to dismiss civil forfeiture action.

Recognition

- Named a 2021 Top Woman of Law Honoree by *Massachusetts Lawyers Weekly*.
- Named to *Boston Magazine's* inaugural Top Lawyers list in 2021 and 2022 in the area of criminal defense/white collar.
- Named a 2021 Top Lawyer in the Greater Boston area for her excellence in legal work by *Boston* magazine.
- Ranked in the 2021 and 2022 editions of *Chambers and Partners USA* for white collar crime and government investigations.
- Selected by her peers for inclusion in the 2014–2023 editions of the *Best Lawyers in America* for her work in white-collar criminal defense and named the 2022 Lawyer of the Year for white-collar criminal defense in Boston.
- Named a "Local Litigation Star" in Massachusetts for appellate by *Benchmark Litigation* in 2021–2023.
- Recognized as a leading attorney in the 2013–2015 editions of *The International Who's Who of Business Crime Defence Lawyers*, with a source recently saying she is a "very talented trial lawyer." Selected by clients and peers as being among the world's leading investigations lawyers in the 2015 edition of *Who's Who Legal: Investigations*.
- Named a Life Sciences Star for outstanding government enforcement/investigations work in the 2012–2022 editions of *LMG Life Sciences*.
- Selected as a Fellow of the Litigation Counsel of America, a peer-nominated, invitation only Trial Lawyer Honorary Society.
- Recipient of the Boston Bar Association Presidents Award (2020) for Impact Litigation.
- Named a "*Massachusetts Super Lawyer*" for her white-collar criminal defense (2022–2023).

Credentials

EDUCATION

JD, Harvard Law School, 1993

magna cum laude

President, Harvard Law Review

BA, Social Studies, Harvard
University, 1985

magna cum laude

ADMISSIONS

Massachusetts

District of Columbia

CLERKSHIPS

The Hon. Abner J. Mikva, US
Court of Appeals for the
District of Columbia Circuit,
1993 - 1994