



Michael J. Leotta

PARTNER

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Michael Leotta conducts internal investigations and represents corporations and individuals in matters involving criminal law, securities law and financial institution regulations, with a focus on the Bank Secrecy Act and related anti-money laundering (AML) rules, insider trading, and the Foreign Corrupt Practices Act (FCPA). He represents clients in investigations and examinations by the Department of Justice (DOJ) and state prosecutors; domestic and international financial regulators, such as the Securities and Exchange Commission (SEC), the Financial Industry Regulatory Authority (FINRA), the Commodity Futures Trading Commission (CFTC), the Financial Crimes Enforcement Network (FinCEN), the New York Department of Financial Services, and the UK Financial Conduct Authority; and Congressional committees.

Before joining WilmerHale, Mr. Leotta served for nine years in government, including in the White House Counsel's Office under President Barack Obama, as an Assistant US Attorney prosecuting fraud and public corruption, and as Appellate Chief and Ethics Advisor under Rod Rosenstein at the US Attorney's Office for the District of Maryland.

Mr. Leotta currently serves as a national vice chair of the American Bar Association's White Collar Crime Committee and as a co-chair of its Financial Institution Fraud/Money Laundering and Patriot Act Subcommittee.

Practice

Mr. Leotta has recently conducted internal investigations on behalf of global financial institutions, US broker-dealers, domestic and foreign defense contractors, a hospital company, and a university. He has represented companies and individuals in investigations by the DOJ, the Manhattan District Attorney's Office, the SEC, the CFTC, FinCEN, FINRA, state financial regulators and Congress on a number of topics, including allegations of:

- Bank Secrecy Act/AML program violations,
- securities fraud and insider trading,

- violations of the FCPA,
- government contracting fraud,
- political corruption,
- obstruction of Congress,
- illegal access to computers, and
- other federal crimes.

He represents broker-dealers in SEC and FINRA examinations relating to all aspects of securities law, including the Bank Secrecy Act and AML regulations, Section 5 of the Securities Act of 1933, the Market Access Rule (Rule 15c3-5 of the Securities Exchange Act), SEC Regulation M, and the Vendor Display Rule (Rule 603(c)), among others.

He has represented individuals who are subjects or witnesses in internal corporate and criminal investigations and prosecutions, including federal and state government officials, attorneys, technology company employees, a journalist, and a defense contractor.

Mr. Leotta has also counseled companies on compliance matters, including compliance with the Bank Secrecy Act/AML regulations, the Electronic Communications Privacy Act, and statutes applicable to media companies.

Prior Experience

Prior to joining the firm, Mr. Leotta served in the US Attorney's Office for the District of Maryland for more than eight years, as an Assistant US Attorney prosecuting fraud and public corruption, Appellate Chief, and Ethics Advisor. His government service culminated in a detail to the White House Counsel's Office as Deputy Associate Counsel.

As a federal prosecutor, Mr. Leotta investigated charges of fraud in government contracting and procurement, corruption in federal and state government, mortgage fraud, health-care fraud, tax evasion, embezzlement from federal programs, and numerous other federal offenses. Some highlights of his career as a federal prosecutor include:

- A trial stemming from Jack Abramoff's corruption of congressional offices and executive branch officials;
- A RICO prosecution involving the bribery of a state senator;
- A law-enforcement-corruption trial against Coast Guard petty officers assigned to drug-interdiction duty;
- A wire-fraud and obstruction-of-justice trial against a commercial mortgage lender;
- An embezzlement trial against a school principal; and
- A health-care fraud investigation of a national health-insurance company.

As Appellate Chief, Mr. Leotta managed the appellate work of more than 70 AUSAs. He directed the briefing of hundreds of briefs in the Fourth Circuit US Court of Appeals, trained AUSAs in appellate advocacy, and personally argued cases of particular significance to the US Attorney's Office.

As Ethics Advisor, Mr. Leotta advised the US Attorney, Assistant US Attorneys and staff on financial disclosures, conflicts of interest, and other ethics rules.

During his detail to the White House Counsel's Office, Mr. Leotta helped manage a team of 12 attorneys vetting President Obama's Executive Branch nominees.

Prior to his government service, Mr. Leotta was a litigation associate at Williams & Connolly LLP where he focused on First Amendment and media law issues, including representation of the National Enquirer and Star Magazine. He represented corporations involved in libel and defamation claims, contract disputes, employment actions, attorney-malpractice claims, and securities enforcement actions, among other matters.

After graduation from Harvard Law School, Mr. Leotta served as a clerk to the Hon. Francis D. Murnaghan, Jr. of the US Court of Appeals for the Fourth Circuit.

Professional Activities

Mr. Leotta is national vice chair of the American Bar Association's White Collar Crime Committee and co-chair of its Financial Institution Fraud/Money Laundering and Patriot Act Subcommittee. He is a life fellow of the American Bar Foundation. He has previously served on the Board of Governors of the Federal Bar Association, Maryland Chapter, as assistant treasurer to the campaign of Congressman John P. Sarbanes, as treasurer and on the Board of the Francis D. Murnaghan, Jr. Appellate Advocacy Fellowship, Inc. (a nonprofit organization devoted to public service and appellate impact litigation), and as the president and on the Board of the Harvard-Radcliffe Club of Maryland.

Solutions

Litigation	Foreign Corrupt Practices Act and Anti-Corruption	White Collar Defense and Investigations
Securities Litigation	Securities Enforcement	AML and Economic Sanctions Compliance and Enforcement
Bank Regulation and Enforcement	Consumer Financial Services	

Experience

- **FINANCIAL INSTITUTION INTERNAL INVESTIGATIONS AND REPRESENTATIONS**

- Representation of a global financial institution and its personnel in parallel SEC and FinCEN investigations of the institution's AML program and its program to prevent misuse of material nonpublic information;
- Representation of a global financial institution and its personnel in a FINRA investigation of its AML controls related to branches along the southwest border;
- An international internal investigation into potential issues with an international bank's AML transaction surveillance systems in numerous countries around the world, including presentations to the UK Financial Conduct Authority, and the UK Prudential Regulation Authority;
- An internal investigation into the causes of issues with an international bank's AML transaction surveillance system used for dollar clearing transactions in the United States, including presentations to the Federal Reserve Bank of New York, the New York Department of Financial Services, the New York Attorney General's Office, FinCEN, the DOJ, the Manhattan DA, the UK Financial Conduct Authority and the UK Prudential Regulation Authority;
- An internal investigation and representation of a global financial institution in response to DOJ and SEC investigations of insider trading, money laundering and securities law violations by a financial advisor and clients in California and China, which resulted in \$1.4 million in restitution paid to the financial institution;
- An internal investigation and representation of a global financial institution in a criminal investigation of customers charged with Iraqi-dinar fraud and money laundering;
- An internal investigation and representation of a global financial institution in response to a criminal prosecution of a customer for laundering international bribery proceeds;
- An internal investigation and representation of a US broker-dealer in response to parallel DOJ and SEC investigations of a customer charged with running a Ponzi scheme;
- An internal investigation and representation of a global financial institution in response to a criminal prosecution of a customer for healthcare fraud;
- An internal investigation and representation of a US broker-dealer in response to an SEC investigation of potential cherry-picking by a registered representative;
- An internal investigation and representation of a US broker-dealer in response to parallel grand jury and SEC investigations into potential insider trading by an employee;
- An internal investigation and representation of a global financial institution in response to the criminal prosecution of a customer for foreign corruption, embezzlement and money laundering;
- An internal investigation and representation of a global financial institution in response to a grand jury investigation into potential money laundering by clients in Texas and Mexico;
- An internal investigation and joint representation of a global financial institution and its personnel in response to a federal grand jury investigation into potential money laundering by clients in Florida and Venezuela;
- An internal investigation and representation of a global financial institution in response to a FINRA investigation into potential insider trading by a financial advisor and clients in Florida and Colombia;

- An internal investigation into potential insider trading by a financial advisor who was related to a pharmaceutical company insider;
 - Representation of a global financial institution in response to an SEC inquiry regarding potential insider trading by clients in advance of the public announcement of a DOJ lawsuit;
 - Joint representation of a global financial institution and its personnel in response to an SEC inquiry regarding potential insider trading by clients in advance of the acquisition of a pharmaceutical company;
 - Representation of a global financial institution in response to an SEC inquiry regarding potential insider trading by a company executive using a 10b5-1 plan; and
 - Numerous internal investigations of potential violations of federal and state criminal law, insider trading, and company ethics policies on behalf of an international financial organization.
- **BROKER-DEALER EXAMINATIONS**
- Representation of a US broker-dealer in an SEC examination of its compliance with Section 5 of the Securities Act, and its AML compliance, related to transactions in low-priced securities;
 - Representation of an international online broker-dealer in an SEC examination of its compliance with Section 5 of the Securities Act, and its AML compliance, related to transactions in low-priced securities;
 - Representation of an international online broker-dealer in a FINRA examination of its AML program;
 - Representation of a US broker-dealer in a FINRA inquiry into its compliance with the Market Access Rule (Rule 15c3-5 of the Securities Exchange Act) as related to monitoring for market manipulation;
 - Representation of a US broker-dealer in a FINRA inquiry into its compliance with the Vendor Display Rule (Rule 603(c)) as related to the online display through which clients can trade; and
 - Representation of a US broker-dealer in a FINRA inquiry into its compliance with SEC Regulation M as related to a distribution of securities.
- **CORPORATE INTERNAL INVESTIGATIONS AND REPRESENTATIONS**
- Representation of a global medical device manufacturer in response to a federal government request to show cause why the manufacturer should not be debarred from government contracting;
 - Representation of a foreign defense contractor in a joint SEC and DOJ Foreign Corrupt Practices Act investigation related to business in Brazil and Colombia;
 - An internal investigation of potential violations of the Foreign Corrupt Practices Act by an international corporation doing business in the Middle East;
 - An internal investigation on behalf of a Maryland hospital-management company into alleged federal criminal violations by its CEO;
 - Litigation on behalf of a global energy company facing a federal grand jury investigation related to an oil spill; and
 - Representation of a renewable energy company facing a Congressional document

request relating to the Department of Energy loan-guarantee program.

– **INDIVIDUAL REPRESENTATIONS**

- Representation of a former official of the Port Authority of New York and New Jersey in a securities fraud investigation by the Manhattan District Attorney's Office;
- Representation of a former senior aide to Senator John Edwards in the Senator's campaign finance fraud trial;
- Representation of a defense contractor employee who was a subject of a grand jury investigation into federal procurement fraud;
- Representation of a reporter who was a subject of News Corporation's internal investigation into phone-hacking and related matters;
- Representation of an attorney called as a witness in the trial of a former BP engineer charged with obstruction of justice for deleting emails;
- Representation of attorneys called as witnesses in the prosecution of a former BP employee charged with obstruction of Congress for misrepresenting the flow rate from the Deepwater Horizon oil spill;
- Representation of a potential witness in the federal criminal investigation of corruption of the Governor of Virginia;
- Representation of Congressional staffers who were witnesses in a federal criminal investigation related to Congressional travel;
- Representation of numerous broker-dealer personnel, including the AML compliance officer, a compliance analyst, administrative managers, financial advisors, and a client associate, who were witnesses in SEC and FINRA investigation; and
- Representation of employees of a technology company who were witnesses in state and federal criminal prosecutions.

– **MEDIA ADVISORY PRACTICE**

- Advice to a media company related to the purchase and broadcast of a surreptitiously recorded conversation related to the racial attitudes of the owner of a professional basketball team;
- Advice to a media company related to the purchase and broadcast of a surreptitiously recorded conversation in which an actor confessed to a therapist about past criminal conduct;
- Advice to a global media and entertainment company related to criminal charges brought against an employee in Italy; and
- Advice to a global media and entertainment company related to compliance with law enforcement requests and the Electronic Communications Privacy Act.

Recognition

- A 2011 recipient of the Attorney General's Award for Distinguished Service for his work on the Jack Abramoff investigation, including a trial of Mr. Abramoff's lobbying partner.
- Received the Department of Justice EOUSA Director's Award for superior performance in 2008 for the RICO prosecution of a Maryland state senator and other individuals.
- Received the Skolnik Award from the US Attorney's Office in 2007 for outstanding professionalism, determination and creativity in a case of unusual public significance.

Credentials

EDUCATION

JD, Harvard Law School,
1997

magna cum laude

*Notes Editor, Harvard Law
Review*

BA, Psychology, University
of Maryland at College Park,
1994

summa cum laude

Phi Beta Kappa

ADMISSIONS

District of Columbia

Maryland

CLERKSHIPS

The Hon. Francis D.
Murnaghan, US Court of
Appeals for the Fourth
Circuit, 1997 - 1998

GOVERNMENT EXPERIENCE

Executive Office of the
President

The White House

*Deputy Associate White
House Counsel*

Department of Justice

United States Attorneys'
Offices

*Assistant US Attorney,
District of Maryland*