



White Collar Defense and Investigations

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New DOJ Leadership Drives Heightened Criminal Enforcement of White Collar Cases

On May 12th, Deputy Attorney General Greg Andres addressed the ABA Conference on Internal Investigations and In-House Counsel Program. Mr. Andres emphasized that under a new leadership at the Department of Justice (DOJ), there was a heightened enforcement of all white collar criminal cases. He emphasized that the DOJ would engage in proactive investigative techniques, including wire taps and consensual recordings—an area traditionally reserved for organized crime cases. He noted that the DOJ would devote new resources including, by Presidential Executive Order, a Financial Enforcement Fraud Task Force. He stated that companies were encouraged to cooperate and voluntarily disclose wrongdoing and would be rewarded for such cooperation. He further emphasized that companies should “come in soon and early.” Under DOJ guidelines, deferred prosecutions would give fair treatment to companies that cooperated and voluntarily disclosed wrongdoing based upon the factors in

the DOJ guidelines. Mr. Andres ended his remarks emphasizing that fraud was a high priority for the DOJ.

In his keynote speech, the Chief of the Fraud Section echoed Mr. Andres’ comments, noting that the DOJ will vigorously enforce all of its fraud initiatives and emphasized that healthcare fraud was a chief priority at the DOJ. In New Jersey, in a renewed sign of the U.S. Attorney’s Office’s focus on healthcare fraud, the office split its Healthcare Fraud and Securities Fraud Unit, naming a new Chief dedicated solely to healthcare fraud. Executive Assistant Michael Martinez stated that “healthcare fraud is front and center across the board and we are adjusting to the circumstances.” U.S. Attorney Paul Fishman appointed Maureen Ruane to take over as head of the new Healthcare Fraud Unit. The DOJ has signaled its intention to aggressively pursue healthcare fraud, requesting a \$60 million increase in its budget for fiscal year 2011 to combat such healthcare fraud. ■

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