

Nicholas C. Harbist | Partner
White Collar Defense &
Investigations

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Nicholas Harbist concentrates his practice in complex criminal and commercial litigation. He represents clients in a variety of industries in matters related to:

- Healthcare fraud and abuse, defense contract fraud, securities and tax fraud, environmental crimes, antitrust crimes, FCPA and corruption crimes, export crimes, and general business fraud
- RICO, antitrust, securities, trade secrets, healthcare litigation
- Professional licensing litigation
- Corporate internal investigations
- Corporate compliance programs
- *Qui Tam* / False Claims Act and whistleblower litigation

Nicholas is a seasoned trial lawyer. He is a former assistant U.S. attorney for the Eastern District of Pennsylvania (1984–1996), where he served as the special fraud coordinator; and special assistant U.S. attorney involving litigation under the Classified Information Procedures Act. As a federal prosecutor, he conducted hundreds of high-profile investigations and trials. Based on this experience, he developed a keen understanding of the compliance challenges facing corporate boards, CEOs, and licensed professionals.

Nicholas is a nationally recognized lecturer on white collar criminal law topics. He was a featured speaker at the American Bar Association's Eighth Annual International White Collar Crime Institute Conference in London in October 2019. His panel presented "White Collar Crime Hypothetical Exercise Part 1 (Investigations)" and discussed the investigations and the implications for the various parties involved.

Nicholas is a skilled appellate lawyer and has argued cases before the Third Circuit Court of Appeals, the New Jersey Supreme Court, and New York Supreme Court.

He is consistently recognized by *The International Who's Who of Business Crime Defense Lawyers* and *The International Who's Who of International Investigations Lawyers*.

Select Engagements

- An industry association, in a Civil RICO suit alleging fraud and antitrust violations involving cell phone cloning and obtained a dismissal.
- A developer, in a civil RICO suit alleging a scheme to divest an investor from his interests in a company and obtained a dismissal.
- A high technology company, in connection with a federal investigation of an employee who destroyed the company's computer design and production programs.
- An international company, in an investigation involving unlawful exports of defense articles, resulting in a declination of criminal charges.
- An executive, in a *qui tam* investigation, obtained a declination of criminal charges and the largest Relator award in the District of New Jersey in a postal rate fraud case.
- A large New Jersey physical rehabilitation company, in a federal *qui tam* whistleblower lawsuit, obtained a declination and dismissal.
- Obtained a \$265,000,000 settlement in a False Claims Act lawsuit alleging systematic healthcare fraud violations.
- A pharmaceutical executive, in an off-label drug promotion investigation and secured immunity from prosecution.
- A physician, in a professional licensing kickback investigation and received a declination from prosecution.

Admissions

- Pennsylvania
- New Jersey
- United States Court of Appeals for the Third Circuit
- U.S. District Court - Eastern District of Pennsylvania
- U.S. District Court - New Jersey

Memberships

- American Bar Association
- Philadelphia Bar Association
- Association of the Federal Bar of the State of New Jersey
- Burlington County Bar Association
- Camden County Bar Association
- Health Care Compliance Association
- New Jersey Association of Criminal Defense Lawyers

- New Jersey State Bar Association
- Pennsylvania Bar Association

Education

- The College of New Jersey, BS, magna cum laude
- Rutgers University School of Law, Camden, JD, magna cum laude

Recognitions

- AV Preeminent®, listed in Martindale-Hubbell®
- 2018–2021, Criminal Defense: White-Collar in Princeton, listed in *Best Lawyers in America*®
- 2010–2019, listed in *The International Who's Who of Investigations Lawyers*
- 2010–2018, "Super Lawyer," listed in New Jersey and Pennsylvania editions of *Super Lawyers*

Professional Activities

Nicholas is a member of numerous community and professional organizations. In 2010, he was appointed to serve as National Co-Chair of the American Bar Association's White Collar Crime Committee. Thereafter, he served as Co-Executive Director of the ABA Criminal Justice Section White Collar Crime Division. As part of his responsibilities, he was a member of the ABA Attorney General's Advisory Committee that meets regularly with the Attorney General to discuss policy issues. He is the former Vice-Chair of the ABA White Collar Crime Committee for the Mid-Atlantic Region. Nicholas is also a Former Chair of the New Jersey State Bar Association Criminal Law Section and served as a Trustee for the Association of Criminal Defense Lawyers for New Jersey. Nicholas also served as a board member of the Long-Range Planning Committee for the Justinian Society.