

INVESTIGATIONS
FOR
CORPORATE
CRIMINAL-
DEFENSE COUNSEL

The Mintz Group has extensive experience at various stages of corporate criminal-defense matters.

- Our investigations in parallel to government agents have helped defense counsel talk prosecutors out of indictments.
- We offer extensive capabilities for digging into the background and credibility of government witnesses.
- Before and during trial, we are accustomed to tight deadlines for filling last-minute factual holes and contradicting surprise testimony from the other side.

In addition to working for counsel to the accused, we have also done a number of investigations for victims of fraud and other white-collar crime. And we routinely gather information for corporations whose employees are caught up in alleged wrongdoing.

Following are examples of typical assignments involving criminal investigations:

Investigation to Head Off Indictment

In one case, after a company pleaded guilty to criminal charges (of cutting corners in the repair of high-tech parts), the federal investigation continued to target dozens of its former employees. Their lawyers, working together in joint defense, hired us to help them respond to accusations that federal agents were bringing to prosecutors as the basis for indictments.

The facts we developed helped defense counsel show the prosecutors that many of the accusations were merely technical misunderstandings, and very few of the many ex-employees investigated were ultimately charged.

Government Witnesses

We have assisted defense counsel for a number of indicted corporations and corporate executives by investigating other businesspeople who have admitted wrongdoing and agreed to testify in exchange for leniency. Are these witnesses telling the truth in implicating our client? Have they been honest and truthful in the past? If not, who has the knowledge, credibility and willingness to come to court to say so?

Years ago, the press reported, for example, that Mintz hunted for hidden assets that Ivan Boesky might not have revealed to federal prosecutors when he became a cooperating witness against others.

Some details in these case studies have been changed to protect client confidentiality.



Surprises During Trial

Defense counsel for an indicted company called us at the end of a day at trial in federal court with a new assignment: investigate a surprise witness that the government planned to call the following morning. By the next day, we knew more than the government did about its own witness. For example, the government let the witness answer “No” to “Have you ever been convicted of a criminal offense?” But defense counsel had a public-record document we had found overnight, which showed that the witness was lying.

Referral to Prosecutors

A company hired us after firing one of its employees for embezzling several hundred thousand dollars. We did well with our first assignment—find the money—by exploring the fired employee’s desktop computer and discovering that his Internet “Favorite Places” were his brokerage accounts containing most of the missing money. And we succeeded at our second assignment—get the district attorney interested in the case—by discovering several aliases and a prior criminal record for the embezzler.

Finding Fraudster’s Assets

In the days before the indictment of a money manager on fraud charges, we searched for the accused’s assets on behalf of a company he had victimized. Our client pursued not only his own assets, but those of a company we tied him to—an entity to which he had just transferred his million-dollar home.

Due Diligence Near Criminal Charges

We were asked to find out whether the executives of a biotechnology company were telling the truth when they denied knowing about a trade-secret theft by some of the biotech’s mid-level people. Our client, an overseas bank, was considering a loan to the company but worried about criminal charges pending against the lower-level employees.

We followed the public record on the trade-secret theft charges to some knowledgeable sources, who showed us that top management knew about the theft despite their denials. Our client backed away from lending to the company.

Contacts

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