



Michael B. Himmel

Partner
Chair, White Collar Criminal Defense

New York
New Jersey
T: +1 646.414.6904 / +1 973.597.6172 | F: +1 973.597.6173
mhimmel@lowenstein.com

Few choices are more important to a company or individual than the counsel they select when faced with a government investigation, potential indictment, or trial. Michael's significant experience defending entities and individuals in high-profile, bet-the-company matters makes him a clear choice when so much is at stake. His clients benefit from his years of experience on both sides of the courtroom, as well as his deep-rooted commitment to the successful outcome of each matter he handles.

Michael's national white collar practice includes matters involving the Foreign Corrupt Practices Act, criminal antitrust matters, health care fraud, securities fraud, tax fraud, and political corruption, as well as internal investigations. His clients have included private and public corporations in various industries, including life sciences and the financial sector, officers and directors of private and public corporations, professionals, and state and federal officials.

Chambers USA ranks Michael in Band 1 in White Collar Crime and Criminal Investigations, stating that he "receives extensive praise from commentators, who describe him as 'brilliant, direct, and tenacious,'" while also noting that he "understands legal strategy and is exceptionally able."

Michael's broad experience in white collar criminal matters, including trial, has resulted in his retention in many sophisticated civil litigation matters involving securities and corporate litigation. He frequently represents plaintiffs in securities class actions and has reached settlements for his clients ranging from \$84 million to \$1.3 billion. Michael is the immediate past chair of Lowenstein's litigation practice, leading the department from 2007 to 2017.

Michael served as an Assistant District Attorney in Bronx County, New York, and an Assistant U.S. Attorney for the District of New Jersey, where he led the prosecution and conviction of a New Jersey state senator, a former speaker of the state legislature, and a number of union officials. He currently serves on the Advisory Board for the Association of the Federal Bar of New Jersey and is a member of the Federal Bar Council, Second Circuit.

EXPERIENCE

White Collar & Government Investigations

- > Successfully represented numerous entities accused of FCA and FCPA violations. Secured a two deferred prosecution agreement for a global company that provides engineering and environmental consulting services to various federal, state, regional, and local governmental and quasi-governmental agencies. The case was initially brought as an FCA qui tam matter, which led to an investigation of alleged FCPA violations. The lead enforcement agencies were the U.S. Department of Justice and the U.S. Attorney's Office for the District of New Jersey.
- > Successfully represented numerous individuals in the banking and securities industries who were the targets of investigations conducted by the DOJ and the SEC. Currently representing a client in connection with an SEC investigation concerning the potential mismanagement and/or misappropriation of funds of a multibillion-dollar international hedge fund.
- > Successfully represented audit committees of public companies in connection with internal investigations related to DOJ and SEC inquiries.
- > Successfully represented numerous individuals investigated for alleged insider trading violations.
- > Successfully represented numerous clients in federal antitrust investigations.
- > Successfully represented individuals who were the subjects of alleged tax-fraud violations.
- > Successfully represented individuals in political corruption investigations and prosecutions.
- > Successfully represented many individuals and entities in connection with Bernard L. Madoff-related investigations. Currently representing an agency of an international state in defending against a bankruptcy adversary proceeding arising from the Madoff Investment Securities recovery.

Business Litigation

- > Represented the State of New Jersey as special outside counsel in the State's lawsuit against Volkswagen, Audi, and Porsche for their role in a massive consumer fraud scandal known as "dieselgate." Successfully negotiated a settlement of all claims for a total of \$69 million for New Jersey.

- > Successfully represented a partner in business dispute concerning a large apartment complex; obtained judgment in excess of \$50 million against defendant managing partner for civil racketeering offenses, fraud, breach of fiduciary duty, and breaches of the partnership agreement and partnership law.
- > Successfully represented several Fortune 100 companies in qui tam cases.
- > Successfully represented institutional investors as plaintiffs in the civil prosecution of securities fraud cases.
- > Successfully represented national and regional law firms as defendants in legal malpractice cases.

HONORS & AWARDS

- > **Chambers USA: America's Leading Lawyers for Business: (2004-2020)**
Ranked in Band 1 for White Collar Crime and Government Investigations
- > **The Best Lawyers in America (1995-2021)**
Recognized in the White Collar Criminal Defense, Business Litigation, Trust & Estates, Regulatory Enforcement, "Bet the Company" Litigation and Securities Litigation sections
- > **New Jersey Super Lawyers (2005-2018)**
Recognized for work in Criminal Defense: White Collar and Business Litigation
- > **Metro NJ Region of the American Jewish Committee: National Judge Learned Hand Award (2015)**
Recognized for his significant contributions to the legal community
- > **United States District Court: Merit Selection Committee (2014)**
Served on the United States Magistrate Judges Judicial Selection Committee
- > **Trial Attorneys of New Jersey: Trial Bar Award (2003)**
Recognized for Outstanding Trial Advocacy

NEWS & INSIGHTS

Publications

- > September 4, 2019
"Five Considerations in Cross-Border Anti-Corruption Matters," *The Anti-Corruption Report*
Michael B. Himmel,
- > March 6, 2018
"DOJ Extends Self-Disclosure, Leniency Practices of FCPA Enforcement to Other Criminal Matters," *White Collar Criminal Defense Client Alert*
Michael B. Himmel,
- > May 4, 2016
"DOJ Announces FCPA Pilot Program," *White Collar Criminal Defense Client Alert*
Michael B. Himmel,
- > May 28, 2014
"Should an Individual Defendant Go to Trial on FCPA Charges? Five Important Considerations," *The FCPA Report*
Michael B. Himmel,
- > October 12, 2011
"Getting Out from Under Antitrust Litigation: How it just got harder for foreign entities to stay out of the U.S. antitrust labyrinth," *Bloomberg Law Reports*
Michael B. Himmel, Jamie Gottlieb Furia

In the Media

- > December 10, 2020
In **Law360**, **Michael B. Himmel** comments on proposed updates to anti-money laundering laws that will disclose beneficial ownership of shell corporations and create a national database that tracks entities or individuals with substantial control. "This is like a godsend to the bank compliance officers who are always scratching their heads and have no clue," Himmel says. "But not only is it going to be an assist to the banks, it's also going to be an assist to the Department of Justice in pursuing prosecutions." Himmel describes the FinCEN Exchange the voluntary data-collection and sharing system among law enforcement agencies, national security agencies, financial institutions, and FinCEN to combat money laundering, terrorism financing, and organized crime as "a win-win situation. Most countries are going to want to cooperate with us because it's a two-way street." Regarding the proposed award to tipsters of 30 percent of total monetary sanctions, he observes: "There certainly is much more of an incentive to whistle blow – not just to the individuals doing it, but to the lawyer who's going to be doing a quick investigation based upon what he's heard."
- > December 8, 2020
Michael B. Himmel speaks to **Bloomberg Law** about the recent settlement between Vitol Inc.'s U.S. unit and the Commodity Futures Trading Commission, calling it an indication that 2021 may bring more stringent federal enforcement of foreign corruption laws. He notes the timing of the Vitol settlement as significant because it is "occurring under the auspices of the Trump administration, where there really has been less aggressiveness as it relates to this type of conduct."

- > November 13, 2020
Michael B. Himmel, Chair of the firm's **White Collar Criminal Defense** group, speaks to **Compliance Week** about how a change in White House leadership and a new administration may affect the focus and priorities of the Securities and Exchange Commission. Anticipating a rise in inspections and enforcement activity, he says, "Under the Obama administration, there was an emphasis on investigating publicly traded companies and large Wall Street firms. There was a move away from that under the Trump administration. ... I suspect under [President-elect Joe Biden] there will be a move back toward that."
- > August 18, 2020
Michael B. Himmel, Chair of the firm's **White Collar Criminal Defense** practice, speaks to the **FTI Journal** about the importance of conducting internal investigations in a timely manner, even when faced with the challenges of remote work environments in a global pandemic. Himmel says, "When dealing with allegations, an organization's action or inaction can mean the difference between being granted a deferred prosecution agreement from the Department of Justice or not. ... From the civil perspective, how quickly an audit committee responds to an allegation can determine whether a derivative lawsuit has merit."
- > July 25, 2019
Michael B. Himmel, Chair of Lowenstein's White Collar Criminal Defense practice, is quoted in **The AM Law Litigation Daily** in an article discussing how the slowdown in white collar enforcement activity and litigation has coincided with diminished hiring demand from law firms. Himmel notes that, despite the number of cases decreasing, Lowenstein's white collar attorneys are "as busy as ever," working on multiple matters with criminal antitrust, FCPA, health care, and securities.
- > July 12-19, 2019
 Longtime firm client Tower International's (NYSE: TOWR) acquisition by private equity-owned Autokiniton Global Group, in a \$900 million deal expected to close in September or October, is reported in **Crain's Detroit Business**, **The PE Hub Network**, **Automotive News**, **InvestorsHub**, **Law360**, **Smart Business Dealmakers**, **Mergers & Acquisitions**, and the **Global Legal Chronicle**. (Lowenstein deal team: **Peter H. Ehrenberg**, **Andrew E. Graw**, **Lowell A. Citron**, **Marita A. Makinen**, **Jeffrey Blumenfeld**, **Jack Sidorov**, **Jeffrey M. Shapiro**, **Elisia M. Klinka**, **Justin Gindi**, **Kate Basmagian**, **Daniel C. Porco**, Matthew A. Weston, **Erica Perlmutter**, **Robert Bee**, **Sabrina Cua**, **Brian A. Silikovitz**, **Kristin V. Taylor**, Katie R. Glynn, **Nicholas G. Mehler**, **Doreen M. Edelman**, **Lynda A. Bennett**, **Megan Monson**, **Michael B. Himmel**, and **Norman W. Spindel**) **View Lowenstein's news announcement about this transaction.**
- > January 31, 2019
Michael B. Himmel is quoted in **Law360** discussing the criminal charges China's Huawei Technologies Co. Ltd. is facing over a supposed trade secrets heist from T-Mobile USA Inc. and an alleged misrepresentation over Huawei's dealings with Iran. Huawei allegedly conducted a fake internal investigation, attempting to shift blame to rogue employees in an effort to avoid litigation and potential prosecution. Himmel states that the alleged actions form a novel basis for an obstruction of justice charge against the company, noting that these actions were "outside of the box" for a company trying to fend off a civil case.
- > January 4, 2019
Michael B. Himmel is quoted in **Bloomberg Law** in an article discussing the President's Attorney General nominee William Barr and his plans for the Department of Justice's corporate crime enforcement. Himmel comments on Barr's relationship with Deputy Attorney General Rod Rosenstein, the revised Yates policy, and the new collaboration between DOJ prosecutors and the SEC when investigating corporate crime matters.
- > December 12, 2018
Michael B. Himmel is quoted in **The Anti-Corruption Report** in an article discussing Vantage Drilling International's settlement charges with the SEC. Himmel analyzes the case and provides insight as to what Vantage could have done in order to obtain a different outcome. *(subscription required to access article)*
- > October 3, 2018
The Anti-Corruption Report quotes **Michael B. Himmel** in an article discussing United Technologies Corporation's bribery-related settlement with the U.S. Securities and Exchange Commission. Himmel comments on how the government views the legitimacy of certain corporate entertainment and other expenses, the importance of corporate self-reporting, factors the SEC weighs in calculating civil penalties, and impediments to the Department of Justice in building a case against a company that does business overseas. *(subscription required to access article)*
- > June 5-6, 2018
 The **New Jersey Law Journal**, **Law360**, **NJBIZ**, and **Business Beat** (published by the Commerce and Industry Association of New Jersey) highlight **Elie Honig's** joining Lowenstein as special counsel following his tenure as Director, Department of Law and Public Safety, in the New Jersey Division of Criminal Justice. All four publications quote Lowenstein **Litigation Department** Chair **Christopher Porrino** on the move. The **New Jersey Law Journal**, **Business Beat** and **Law360** quote Honig, and **Business Beat** includes a quote from **Michael B. Himmel**, Chair, **White Collar Criminal Defense**. *(subscription required to access Law360 article)*
- > February 8, 2016
Michael Himmel, **Michael T.G. Long**, **Jamie Gottlieb Furia**, and **Joseph Fischetti** are mentioned in **Law360** regarding their successful representation of NJ's Division of Investments on behalf of shareholders of Cliffs Natural Resources against Cliffs and certain of its officers. An \$84 million settlement was recently announced.
- > January 25, 2016
Michael Himmel comments in **The Wall Street Journal** about whether HSBC Holdings should be ordered to publicly disclose its compliance monitor's report in the wake of its 2012 money laundering settlement.
- > January 14, 2016
Michael Himmel is mentioned in **Law360** in connection with his representation of Heidi Piao in the recent UN bribery case.
- > May 2014
 In **Compliance Week**, **Michael Himmel** comments on the rise of derivative and shareholder class action lawsuits brought against companies that have faced FCPA investigations.
- > April 15, 2014
 In **Compliance Week**, **Michael Himmel** comments on the increasing number of FCPA investigations in industries that have not traditionally been subject to FCPA enforcement

actions.

EDUCATION

- > St. Louis University School of Law (J.D. 1974), Member, *St. Louis University Law Review*
- > New York University (B.S. 1971)

ADMISSIONS

- > New York
- > New Jersey