



Jeffrey D. Rotenberg

Partner

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Jeff Rotenberg represents clients in a variety of criminal, regulatory and compliance investigations and matters, as well as in complex business and commercial litigation in federal and state courts and in arbitration.

Criminal, Regulatory and Internal Investigation Experience

Jeff has designed and conducted internal investigations on behalf of clients in a range of industries and fields, including in the financial, higher education and not-for-profit sectors.

Jeff's criminal and regulatory engagements have included the representation of financial services firms, technology companies and educational institutions, as well as bankers, traders, attorneys and corporate officers in investigations conducted by the United States Department of Justice, Securities and Exchange Commission, Financial Industry Regulatory Authority, New York State Attorney General's Office, Congress, and other federal, state and local agencies.

These matters have covered such areas as bribery and corruption, insider trading, stock option backdating, research analyst independence, initial public offering practices, market timing, tax shelters, conflicts of interest in the student loan industry and trading and accounting activities in the commercial real estate, interest rate, auction rate securities, municipal derivatives, repo and energy markets.

Civil Litigation Experience

Jeff has extensive civil litigation experience, regularly representing financial services firms, including investment and commercial banks, and consumer products and pharmaceutical companies, in proceedings in federal and state courts around the country.

EXPERIENCE

CRIMINAL, REGULATORY AND INTERNAL INVESTIGATION EXPERIENCE

- Internal investigation and controls review on behalf of global charitable organization in connection with allegations of diversion of humanitarian funds to Middle East-based terrorist organization

RELATED SERVICES

- Litigation, Arbitration and Investigations
- White Collar and Corporate Crime
- Corporate and Securities Litigation

- A South Africa based company in SEC and DOJ investigations into potential violations of the FCPA and federal securities laws in connection with a government social services tender and related public disclosures
- An international technology outsourcing company in connection with criminal and civil FCPA investigations, and a related internal investigation
- An investment bank trader in connection with government investigations into fraud and collusion in connection with LIBOR and ISDAFIX submissions
- A Division I Football Coach in NCAA Investigation regarding recruiting and improper benefits
- A for-profit education institution in Congressional and related investigations
- A hedge fund manager in insider trading cases brought by the US Attorney for the Southern District of New York and the SEC
- An accounting firm in a Madoff-related securities fraud investigation
- Several former Lehman Brothers managing directors in government investigations
- Managing directors at a Canadian investment bank in criminal and civil investigations into the fraudulent mismarking of the bank's natural gas derivatives trading book
- A tax attorney at an investment bank in a federal grand jury investigation of allegedly fraudulent tax shelters
- A financial institution in a CME and internal investigation into commodities trading
- An international freight-forwarding company in a criminal investigation in connection with the shipment of United States-origin goods to Iran in possible violation of US export restrictions and related matters

Jeff also participated in the Independent Compliance Consultant review of two investment advisors pursuant to settlements with the SEC and state regulators relating to improper market timing in managed funds and has experience representing clients in investigations arising under criminal forced labor statutes.

CIVIL LITIGATION EXPERIENCE

- Insurance companies in litigations and arbitrations in multiple jurisdictions relating to workers compensation profit-sharing program
- A financial services company in litigations brought by the New York State Attorney General's Office and a private plaintiff class arising from alleged conflicts of interest in the home loan industry
- Lead counsel for international financial services firm in disputes relating to derivatives trading and the purchase and sale of physical commodities
- An investment bank in litigation and arbitration brought under the Commodity Exchange Act and antitrust laws arising from trading activity on the ICE Futures exchange
- The CEO of a leading investment bank in securities fraud litigation based on exposure to loan repurchase claims arising out of the sale of mortgage-backed securities and compliance with generally accepted accounting principles and SEC regulations
- An Indian conglomerate in litigation brought by the former CEO of its US subsidiary
- An investment bank in litigation arising from a failed real estate and resort development transaction in the Dominican Republic
- A foreign bank in a dispute concerning development and establishment of a Mexican infrastructure fund
- A pharmaceutical company in litigation relating to its prosecution of Abbreviated New Drug Applications and its obligations under a stock purchase agreement
- A leading credit card issuer in connection with alleged violations of the RICO, Lanham and Computer Fraud and Abuse Acts, as well as allegations of breach of contract and unfair business practices under state law
- A consumer products company in defense of false advertising suits brought by competitors and consumers under the Lanham Act and state consumer protection laws
- A pharmaceutical company in a suit alleging improper bundling of drug products in violation of the Sherman Act

CREDENTIALS

Admissions

- New York

Education

- J.D., Columbia University School of Law 2000
- B.A., Political Science, Columbia University

Courts

- United States Court of Appeals for the Fourth Circuit
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York
- United States District Court for the Western District of New York

INSIGHTS

Publications

SEC issues FY2019 enforcement report – highlights and key takeaways

19 November 2019

The Report addresses the Division of Enforcement's five core guiding principles as well as its continued focus on retail investor protection and combating cyberthreats.

FINRA issues significant and detailed guidance on credit for extraordinary cooperation

22 July 2019

The Notice delineates the differences between extraordinary cooperation and required self-reporting and cooperation under FINRA rules and offers substantial new guidance.

***US v. Connolly* and the potential pitfalls of cooperation in internal investigations**

8 MAY 2019

A warning shot to government lawyers against delegating core investigative functions to outside counsel for targets or subjects of their investigations.

CFTC issues advisory incentivizing market participants to self-report foreign corrupt practices

12 MAR 2019

The first time that the CFTC is publicly incentivizing market participants.

Universal Health Services: contractors take note – Supreme Court approves implied certification theory of False Claims Act liability

22 JUN 2016

The Court's recognition of "implied certification" theory resolves a circuit split in favor of a more expansive view of the Act.

United States v. Vilar: new limits on extraterritorial securities enforcement

9 SEP 2013

- Co-author, "International Class Actions: Will the Centre of Gravity Shift from the US towards Europe?," *European Company Law*, June 2012 (with Wouter de Clerck and Jean-Pierre Douglas-Henry)

NEWS

DLA Piper advises PHI, Inc. and various affiliates in their successful emergence from chapter 11

5 September 2019

DLA Piper represented PHI, Inc. and various affiliates in their successful emergence from voluntary chapter 11 protection, completing their debt restructuring process and implementing the reorganization plan previously confirmed by the United States Bankruptcy Court for the Northern District of Texas, Dallas Division on July 30, 2019.

DLA Piper advises PHI, Inc. and various affiliates in their voluntary chapter 11 cases

9 August 2019

DLA Piper represented PHI, Inc. and various affiliates in their voluntary chapter 11 cases in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division.

PRO BONO

In his pro bono practice, Jeffrey has handled criminal appeals in federal and state court, represented criminal defendants in plea bargains and sentencings, and has represented asylum seekers in immigration proceedings.