Michael Martinez

Partner

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New York



Mike Martinez is an accomplished trial lawyer, and a leading national health care fraud practitioner and white collar criminal defense attorney. A partner in Gibson Dunn's New York office, Mike represents individuals and corporations in a wide array of matters involving allegations of health care fraud, securities fraud, money laundering, cybercrime, public corruption, and tax offenses. He also conducts internal investigations and defends clients involved in such inquiries.

Mike previously served as an Assistant U.S. Attorney for the District of New Jersey for over a decade, including three years as the Executive Assistant U.S. Attorney overseeing the office's white collar programs, supervising attorneys in both criminal and civil cases, and coordinating with the U.S. Department of Justice Civil Division and other agencies in investigating and prosecuting white collar cases. Under his leadership, the office established its first stand-alone health care and government fraud unit, pioneering the integration of criminal and civil Assistant U.S. Attorneys within the same unit. Mike also successfully prosecuted numerous high-profile cases and argued dozens of cases before the U.S. courts of appeals.

Mike's expertise has been widely recognized. *Chambers USA* has named him a leading lawyer in white-collar crime and government investigations in New York. Clients and sources describe him as "an excellent tactician on government investigations," "very talented," and "a fantastic lawyer with great strategic thinking." He is also praised as "a smart, zealous advocate who is thoroughly prepared in his approach to court cases." His skills before the U.S. Securities and Exchange Commission have earned him accolades as "an incredible trial lawyer," "a brilliant writer," and "incredibly intelligent and creative." Mike has been recognized as a Litigation Star by *Benchmark Litigation*, honored by *Lawdragon* as one of their "500 Leading Litigators in America" and one of "500 Global Leaders in Crisis Management," named one of *Latino Leaders Magazine's* Top Latino Lawyers for 2022, and included in *Crain's New York* list of Notable Hispanic Leaders and Executives for 2021.

Representative Matters*

- Secured a trial victory for a former bond trader accused by the SEC of fraud, successfully demonstrating that the trader's talk was routine market conduct and ultimately had no impact on the pricing of such securities.
- Secured a trial victory for a major national bank arising from its role as a residential mortgage-back securitization trustee, defeating all claims for liability and more than $100 million in damages.
- Secured a complete arbitration victory for an insurer concerning coverage for DOJ health care fraud criminal and civil resolutions.
- Secured an arbitration award exceeding $150 million for a hedge fund following a five-day hearing, successfully demonstrating that the opposing party had

Capabilities

White Collar Defense and Investigations
Appellate and Constitutional Law
Crisis Management
Life Sciences
Securities Enforcement
Trials

Credentials

Education

Yale University - 1995 Juris Doctor
Brown University - 1992 Bachelor of Arts

Admissions

New York Bar
New Jersey Bar

Clerkships

US Court of Appeals, 3rd Circuit, Hon. Samuel A. Alito, 1998 - 1999

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fraudulently induced the client to relinquish its interest in a joint venture by concealing the pending sale of the venture's chief asset.

- Successfully defended a health care technology company in arbitration over its management of a clinical trial for a potential blockbuster drug.
- Secured a non-jail sentence for a former CFO of a biotechnology company indicted for insider trading, following a guilty plea.
- Represented the owner of a South American sports broadcasting and marketing company indicted for alleged involvement in a RICO conspiracy related to bribery for commercial rights to FIFA-sanctioned soccer tournaments.
- Represented a health care technology company in a civil action challenging its biostatistical programming for a clinical trial.
- Represented senior executives of a major pharmaceutical company in parallel criminal and civil investigations by the U.S. Attorney's Office for the District of New Jersey and the U.S. Department of Justice for alleged off-label marketing and Anti-Kickback Statute violations.
- Represented a pharmacy services provider in a settlement with the U.S. Attorney's Office for the District of New Jersey, the U.S. Department of Justice, and 28 states, resolving claims under the False Claims Act related to its prescription verification system.
- Represented a former New Jersey government official in federal criminal proceedings and a state legislative investigation related to the alleged political motivations behind the George Washington Bridge lane realignments ("Bridgegate").
- Represented a senior executive of a pharmaceutical company in a criminal antitrust investigation by the U.S. Department of Justice for alleged price-fixing in the generic pharmaceutical industry.
- Represented the CFO of a health care company in parallel criminal and civil investigations by the U.S. Department of Justice for alleged fraudulent reimbursement claims.
- Represented the CEO of an electronics manufacturing company in a criminal investigation by the U.S. Department of Justice for alleged trafficking in counterfeit military goods.
- Conducted an internal investigation for a mineral supplier and manufacturer regarding potential OFAC violations.
- Represented an executive of an automobile manufacturer in a criminal investigation by the U.S. Department of Justice for alleged Clean Air Act violations.
- Represented a senior executive of a global commodities trading firm in a criminal investigation by the U.S. Department of Justice for alleged FCPA violations and cybercrimes.
- Represented the general counsel of an investment fund in SEC and Commodity Futures Trading Commission investigations regarding alleged fraudulent derivative valuations.
- Conducted an internal investigation for a corporation regarding potential Anti-Kickback Statute violations in the nursing home industry.
- Represented an individual indicted in the Southern District of New York for making false statements to federally insured banks and related tax charges.
- Represented a former contractor in a public corruption investigation by the U.S. Attorney's Office for the Eastern District of New York.
- Conducted internal investigations for a global luxury resort and gaming corporation regarding allegations of money laundering and insider trading.
- Represented a global financial institution in responding to FIRREA subpoenas and

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witness interview requests from multiple U.S. Attorney's offices in connection with RMBS investigations.

- Represented an investment management company in responding to FIRREA subpoenas and witness interview requests from the U.S. Attorney's Office for the Eastern District of New York in connection with RMBS investigations.
- Successfully persuaded the New York State Attorney General not to file charges against an online gaming company concerning an investigation into potential violations of the Children's Online Privacy Protection Act.
- Defended a dietary supplement company in an investigation by the New York State Attorney General into alleged false labeling and potential product contamination of its products.
- Represented a global technology leader in responding to Federal Rule of Criminal Procedure 17(c) subpoenas in connection with a federal indictment for economic espionage and theft of trade secrets.
- Conducted an internal investigation for a multinational financial institution regarding allegations of an affiliate's involvement in a government extortion and bribery scheme in a New Jersey municipality.

Mike obtained his J.D. from Yale Law School and graduated *magna cum laude* and Phi Beta Kappa from the Brown University with a B.A. He clerked for the Honorable Samuel A. Alito, Jr., of the U.S. Court of Appeals for the Third Circuit.

Prior to joining Gibson Dunn, Mike was a Partner in the New York office of a major law firm.

Mike is involved in several professional organizations, including the Defense Lawyers Advisory Committee to the U.S. Attorney's Office for the District of New Jersey, the Hispanic Bar Association of New Jersey, the Hispanic National Bar Association, the Association of Criminal Defense Lawyers of New Jersey, and the Association of the Federal Bar of New Jersey.

**Matters handled prior to joining Gibson Dunn.*

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