



# Brandon N. McCarthy

Partner

Litigation

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**Brandon McCarthy is a trial lawyer and former federal prosecutor in the fraud unit. After 13 years as a prosecutor, he now makes use of his government experience in defending companies, executives and health care professionals facing white-collar investigations and prosecutions. Having handled countless criminal investigations, including the largest health care fraud investigations in the country, Brandon knows how to spot weak points in the government's case and use them to benefit his clients. He has helped dozens of clients avoid indictment or secure outright dismissals.**

## **An aggressive approach to heading off indictments**

You'll never find Brandon waiting and hoping a client won't get indicted. Instead, he looks to actively head off the government's case at the pre-indictment stage so that it never actually moves forward. To do this, he combines an awareness of enforcement agency priorities with deep insight into a client's unique business. The latter is particularly important when defending individuals and companies in the highly regulated health care industry.

For clients that are indicted, Brandon mounts creative and aggressive defenses, often dismantling the government's case before trial. Proof of his effectiveness lies in the fact that he has tried more than 120 jury trials, plus 42 bench trials, and has prevailed in more than 96 percent of them. He has handled more than 3,000 cases in his career.

Brandon spends significant time consulting on federal investigations. He has defended hospitals, health systems, medical groups and doctors against claims involving the False Claims Act, Anti-Kickback Statute and Stark Law violations as well as defending individuals against a host of fraud and public corruption allegations. Across his entire career, he has handled nearly every type of criminal case, including high-profile matters attracting national media attention. He has represented clients before the Federal Bureau of Investigation, US Attorney's office, Securities and Exchange Commission, Internal Revenue Service and the Office of Inspector General.

## **Practices**

- White Collar and Internal Investigations
- Health Care Litigation, Reimbursement and Regulation
- Litigation
- Securities Litigation
- Foreign Corrupt Practices Act Litigation
- Privacy, Data and Cybersecurity

## **Education**

- JD, Southern Methodist University Dedman School of Law
- BA, Vanderbilt University
- London School of Economics and Political Science

## **Bar Admissions**

- Texas

## **Community Involvements**

- Penny Hardaway Hoopfest Benefitting St. Jude, Co-Founder
- Make-A-Wish Foundation
- Highland Park United Methodist Church
- Jackson Hole Alpine Ski Team, Alumni
- Dallas Bar Association Texas High School Mock Trial Competition, Cistercian Preparatory School, Coach
- Dallas Elf Society
- State Bar of Texas, District Grievance Committees, Panel Chair

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## Representative Experience

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- Had large-scale healthcare fraud, 7-year FBI investigation, and indictment dismissed in 2026.
- Six acquittals in jury trial of doctor accused of healthcare fraud in SDMS "cream scheme" (involving Brett Favre).
- \$150M healthcare 6-week fraud jury trial resulted in mistrial, after prosecutorial misconduct found during trial, that resulted in dismissal of indictment and client obtaining probation offer on an Information.
- Obtained not guilty (murder) on a pro bono murder trial (lesser offense found).
- Reversal of convictions of Greg Lindberg on all counts (4th Circuit) based on "Official Act" analysis in widely publicized public corruption case.
- Internal investigation. Subsequent presentations to DOJ made. Obtained ten declinations of tax fraud investigations from 2024-2025 after multiple presentations.
- Internal investigation. Subsequent presentations to DOJ made. Obtained declination of prosecution for healthcare executive after 5-year FBI investigation (14 others were indicted).
- Internal investigation. Subsequent presentations to DOJ made. Obtained declination of prosecution for doctor after two-year investigation, search warrant, seizures, and indictment of related party.
- Obtained two misprisons (unrelated cases) with a fine, for healthcare professionals originally indicted on large loss (healthcare) wire fraud charges.
- Obtained declination of prosecution for union president after two-year FBI investigation.
- Obtained witness designation (no charges) for target of complex tax fraud investigation.
- Obtained witness designation (no charges) for target of international DEA/IRS narcotics investigation.
- Successfully challenged constitutionality of the use of administrative law judges, resulting in favorable settlement for billion-dollar logistics company.
- Successfully defended several doctors before various state medical boards.

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***"Brandon is a fierce fighter and his court performance is stellar." "He is an extremely talented and persuasive trial lawyer." "Brandon is an excellent lawyer. He is knowledgeable, insightful and a great strategist."***

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***Chambers USA 2025  
(Texas, Litigation: White-Collar  
Crime & Government  
Investigations) survey response***

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- Counsel in multiple health care fraud *qui tam* cases (defense). Obtained permanent dismissals in four of them in one year.\*
- Lead defense counsel for multiple compounding pharmacies in alleged health care fraud throughout the United States.\*
- Internal investigation. Subsequent presentation to Tarrant County DA's Office. Defended client against allegations of fraud/theft, obtaining a "no bill" from the grand jury (grand jury packet submitted).\*
- Internal investigation of alleged health care fraud and subsequent DOJ presentation. Avoided indictment despite a multi-year OIG/FBI criminal investigation.\*
- Internal investigation of alleged securities fraud and subsequent presentation to the USAO. DOJ did not pursue fraud charges despite a two-year USSS investigation.\*
- Represented three doctors accused of health care fraud. Obtained qualified immunity for all clients after internal investigation revealed fatal defects in the government's case.\*
- Represented medical practice group (30+ doctors) in alleged health care fraud. Avoided indictment with only a fine after 3+-year FBI criminal investigation.\*
- Internal investigation on behalf of eight doctors accused of health care fraud and threatened with indictment by the USAO. After investigation and several presentations, no doctors were charged.\*
- Represented two hospitals in responding to CID. Demand was resolved without penalty, and no criminal or civil charges were pursued.\*
- Represented clients in 2016 jury trial; obtained 46 directed verdicts on multiple fraud charges against four defendants and several entities.\*
- Represented client in criminal Fourth Amendment case. Prevailed on pre-trial motion to suppress against the DOJ, successfully throwing out all evidence and obtaining dismissal of federal charges before trial.\*
- Company counsel in obtaining protection and witness designations for multiple executives in an FBI fraud investigation; no clients were indicted.\*
- Internal investigation on behalf of physician client that proved incrimination by others. Client avoided indictment despite FBI criminal investigation.\*

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- Represented client in \$4 million wire fraud case. Obtained reduction in federal sentence from approximately nine years' incarceration to one year probation.\*
- Represented client in \$3 million bank fraud case. Obtained reduction in federal sentence from approximately 8 years' incarceration to three years' probation.\*
- Defended Dallas-area dental service group in criminal investigation of alleged Medicaid fraud; all dentists were cleared.\*
- Defended Irving, Texas-area medical management company against alleged mail fraud via submission of false insurance claims. Negotiated fine in lieu of criminal charges.\*
- Defended big-box retailer in one of the largest employee class actions in US history. Obtained district court reversal based on class certification problems raised.\*

\*Experience prior to Katten

## Recognitions

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*Recognized or listed in the following:*

- America's Top 100 Criminal Defense Attorneys
  - 2018-2026
- *Best Lawyers in America*
  - Commercial Litigation, 2024–2026
  - Criminal Defense: White-Collar, 2025–2026
- *Chambers USA*
  - Litigation: White-Collar Crime & Government Investigations, 2021–2025
- *D Magazine*
  - Best Lawyers in Dallas, 2016–2020, 2022–2025
- *Super Lawyers*
  - Texas, 2022–2025
- *Super Lawyers Rising Stars*
  - Texas, 2004–2005, 2007–2009
- *The Legal 500 United States*
  - Recommended Attorney, 2017, 2020, 2024

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## News

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- Brandon McCarthy Defends 81-Year-Old Doctor in Dismissed Kickback Case (April 6, 2026)
- Katten Attorneys Named to Super Lawyers Texas List for 2025 (October 31, 2025)
- Katten Celebrates 101 Attorneys Honored by *Best Lawyers*® (August 21, 2025)
- *Chambers USA* 2025 Ranks Katten as Leading Law Firm (June 5, 2025)
- *D Magazine* Recognizes Eight Dallas Partners as 2025 Best Lawyers (April 30, 2025)
- Katten Dallas Attorneys Recognized by Texas Super Lawyers 2024 (September 17, 2024)
- Katten Attorneys Recognized as *Best Lawyers*® and *Best Lawyers: Ones to Watch*® Award Recipients (August 15, 2024)
- Katten Highly Ranked in Legal 500 United States 2024 (June 12, 2024)
- Katten Receives High Marks in *Chambers USA* Guide 2024 (June 6, 2024)
- *D Magazine* Features 13 Dallas Partners as 2024 Best Lawyers (April 24, 2024)
- Katten Dallas Attorneys Recognized by Texas Super Lawyers 2023 (September 18, 2023)
- Katten Attorneys Distinguished by *Best Lawyers*® (August 17, 2023)
- Katten Boosts Rankings in *Chambers USA Guide 2023* (June 1, 2023)
- *D Magazine* Recognizes 12 Dallas Partners on 2023 Best Lawyers List (April 27, 2023)
- *Texas Lawbook* Reflects on Five Years of Katten in Dallas in Q&A With Mark Solomon (April 14, 2023)
- Katten Attorneys Recognized by 2022 Texas *Super Lawyers* (September 23, 2022)
- Katten Ranked Leading Law Firm by *Chambers USA* 2022 (June 1, 2022)
- Dallas Attorneys Recognized in *D Magazine's* 2022 Best Lawyers List (April 22, 2022)

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- Mark Solomon Interviewed by *The Texas Lawbook* about the Dallas Office's Successes and Challenges in 2020 (August 27, 2021)
- Katten Boosts Rankings in *Chambers USA 2021* (May 20, 2021)
- Katten Team Successfully Obtains Acquittal for Doctor on Health Care Fraud Charges (December 1, 2020)
- *D Magazine* Names Katten Partners to Best Lawyers in Dallas List (April 30, 2020)
- Katten Adds Former Federal Judge, Top Corporate, Litigation Talent in Dallas (May 9, 2018)
- Newest Members of Katten's Dallas Office Featured in *Texas Lawyer* and *The Texas Lawbook* (May 9, 2018)

## Publications

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- Zero-Point Offender Eligibility May Hinge On Meaning Of 'And' (March 5, 2024)

## Presentations and Events

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- NACD Expert Series With Katten (June 14, 2021) | *Presenter*
- Texas Health Law Conference (October 7–9, 2018) | *Participant* | *The Largest Healthcare Enforcement Action in U.S. History: Why it Happened and How to Avoid Being a Part of the Next One*
- Dallas Association of Corporate Counsel Annual In-House Symposium (April 21, 2017) | *Presenter* | *What To Do When the Government Comes Knocking*
- The FCPA and Anti-Corruption Law Compliance (December 2016) | *Presenter*
- "The Forensic Accountant: A Key Witness in the Defense Arsenal," The Business Valuation, Forensic & Litigation Services Conference (October 23, 2015)