

Scott A. Resnik

Partner and Chair, White Collar and Internal Investigations
Department

New York Office

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Practices

FOCUS: White Collar and Internal Investigations
Financial Markets Litigation and Enforcement
Litigation
Quantitative and Algorithmic Trading
Securities Litigation

Industries

Education
Finance and Financial Markets
Health Care

Education

JD, Harvard Law School, *cum laude*
AB, Princeton University, *summa cum laude*

Bar Admissions

New York
New Jersey

Court Admissions

US District Court, District of New Jersey
US District Court, Eastern District of New York
US District Court, Southern District of New York
US District Court, Northern District of New York

From government investigations through trials, Scott Resnik helps individuals and corporations manage every stage of the criminal justice system. He is deeply familiar with it, after more than 25 years of work as a federal prosecutor and defense attorney. The insights he has gained along the way have led to repeated success in resolving investigations, trials and appeals.

A seasoned trial advocate

Before joining Katten, Scott spent more than six years as an assistant US attorney in the District of New Jersey. There, he gained extensive trial experience prosecuting a series of high-profile white collar and public corruption cases. As a defense lawyer, he has continued to try cases regularly, including earning acquittals on multiple counts for a pharmaceutical executive following a seven-week trial. He has also won a number of precedent-setting appeals in federal criminal cases.

Scott helps individual executives and corporations across all industries — with particular experience in health care and financial services — through every step of a criminal or regulatory action. He assists them in resolving government investigations, and for those that are charged with a crime, he defends them throughout the criminal process.

He has handled dozens of investigations for hedge funds, broker-dealers and health care providers into allegations ranging from tax fraud to violations of the federal Medicare Anti-Kickback Statute. He also regularly represents clients in large insider trading investigations, touching on issues from stock price manipulation to violations of confidentiality agreements.

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"He has great judgment and is incredibly effective outside and inside of the courtroom." "He is very thoughtful, grounded and provides very pragmatic, sober guidance." "He is a brilliant tactician who keeps his eye on the end game."

*- Chambers USA 2022
(New York, Litigation: White-Collar Crime & Government Investigations) survey response*

Representative Experience

- Represent several pharmaceutical company officers in a large, multijurisdictional DOJ investigation involving FDA issues and anti-kickback statutes related to nationwide sales practices of opioid pain-killer products.
- Represented president of a pharmaceutical company in a seven-week federal criminal jury trial in the US District Court for the Eastern District of New York. The case concerned the alleged importation of pharmaceuticals that were not approved by the FDA. We obtained acquittals on the most serious counts in the indictment.
- Regularly represent high-profile clients in large, complex insider trading investigations involving an array of issues from stock price manipulation to violating confidentiality agreements, often in the US District Courts for the District of New Jersey and the Southern District of New York.
- Represent numerous corporate officers in FCPA investigations. Draft FCPA compliance and training programs for multinational businesses.
- Represent senior broker in investigation by the CFTC and DOJ as part of a global probe into bank traders and brokers. Concerns potential manipulation of a key interest-rate benchmark used in areas such as setting payout rates on pension funds, determining the cost of real estate loans, and valuing swap contracts settled between banks and institutional and wealthy investors.
- Represent individual as defendant in one of the largest insider trading prosecutions conducted in the US District Court for the District of New Jersey. Obtained a dramatically below-guidelines sentence for the client.

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- Represent senior officer of a technology company in US Attorney's Office and SEC investigations relating to stock option backdating activities.
- Regularly represent clients facing investigations and charges of racketeering, health care fraud, customs violations, commodities and securities fraud, currency reporting violations, environmental crime, computer crime, and criminal antitrust violations. Work closely with clients to develop litigation strategies that minimize their exposure to fraud and criminal activity and use civil racketeering and fraud actions to recover treble and punitive damages.
- Represent publicly traded national construction entity and its subsidiary in an integrity review conducted by the Inspector General's Office of the Port Authority of New York and New Jersey.
- Represent audit committee of publicly traded corporation in internal investigation into allegations of officer misconduct, bribery and kickbacks.
- Represented founder and portfolio manager of a hedge fund who was charged with securities fraud for losing the fund's assets. The case resolved with the client receiving only probation.
- Represented food additive company in a criminal investigation into customs violations. The investigation concluded with no charges.

Recognitions

Recognized or listed in the following:

- *Benchmark Litigation*
 - Future Star, 2022

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- *Chambers USA*
 - Leading Individual, 2017–2018, 2021
 - Litigation: White-Collar Crime & Government Investigations, 2022
- *Super Lawyers*
 - New York, 2012–2022
- *The Legal 500 United States*
 - Recommended Attorney, 2016–2022

News

- Katten Attorneys Earn 2022 New York Super Lawyers and Rising Stars Distinctions (September 29, 2022)
- Katten Awarded Top Ranking in Structured Finance: Securitization in The Legal 500 United States 2022 (June 8, 2022)
- Katten Ranked Leading Law Firm by *Chambers USA* 2022 (June 1, 2022)
- Christopher Stetler's Return to Katten Garner Media Attention (January 6, 2022)
- Coronavirus (COVID-19) Resource Center (November 10, 2021)
- Katten Attorneys Named 2021 New York Super Lawyers and Rising Stars Honorees (September 30, 2021)
- Katten Adds Litigation Partners, One A Noted Former Federal Prosecutor (August 11, 2021)
- Katten Receives High Marks in Derivatives, M&A and Securitization in The Legal 500 United States 2021 Guide (June 10, 2021)
- Katten Boosts Rankings in *Chambers USA* 2021 (May 20, 2021)
- Katten Attorneys Chosen for New York Super Lawyers and Rising Stars Lists (October 28, 2020)

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- 'Cannibal cop,' COVID-19 help free accused CCO (September 11, 2020)
- Ex-GPB Capital CCO pleads guilty to stealing SEC information (September 9, 2020)
- Former SEC employee pleads guilty to theft of government property (September 8, 2020)
- Former SEC Examiner Pleads Guilty to Misdemeanor in Final Days Before Trial (September 8, 2020)
- Ex-SEC Staffer Takes Plea In Private Equity Leak Case (September 2, 2020)
- 'Virtual' Bench Trial Scheduled in Long Island Voter Case, Amid Freeze on Jury Trials (September 2, 2020)
- NY Feds' Last-Ditch Bid To Delay Criminal Bench Trial Fails (September 2, 2020)
- White-Collar Bench Trial Will Move Forward Amid Pandemic, Long Island Federal Judge Rules (August 27, 2020)
- Ex-SEC Staffer Wins Bid For Criminal Bench Trial (August 27, 2020)
- 'Close to Normal'?: Jury Trials Set for Autumn in NYC Federal Courts Face Bids to Adjourn or Move to Video (August 19, 2020)
- Katten Named Top-Tier Firm in Structured Finance and Securitization by The Legal 500 United States 2020 Guide (June 16, 2020)
- Assistant US Attorney Vikas Khanna Returns to Katten's New York Office (October 7, 2019)
- Katten Attorneys Nominated to 2019 New York Super Lawyers, Rising Stars Lists (September 12, 2019)
- Katten Praised in The Legal 500 United States 2019 Guide (June 11, 2019)
- Katten Attorneys Named to 2018 New York *Super Lawyers*, Rising Stars Lists (September 13, 2018)

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- Katten Pro Bono Efforts Help Save Lives, Rebuild Communities in War Zones (July 9, 2018)
- Katten Distinguished by *The Legal 500 United States* (June 14, 2018)
- Katten Rated as Leading Law Firm by *Chambers USA 2018* (May 3, 2018)
- Katten Litigation Team Wins Reversal and Remand for a New Trial for Pharmaceutical Executive (December 18, 2017)
- Katten Attorneys Acknowledged in 2017 New York Super Lawyers, Rising Stars Lists (September 20, 2017)
- Katten Distinguished by *The Legal 500 United States 2017* (May 31, 2017)
- Katten Recognized as Leading Law Firm by *Chambers USA 2017* (May 30, 2017)
- Eighteen Katten Attorneys Distinguished in 2016 New York Metro *Super Lawyers* List (September 21, 2016)
- Eighteen Katten Practices and 70 Attorneys Recognized by *The Legal 500 United States 2016* (June 17, 2016)
- Twenty Katten Attorneys Recognized in 2015 New York Metro *Super Lawyers* List (September 16, 2015)
- Eighteen Katten Attorneys Named to 2014 New York Metro *Super Lawyers* List (September 23, 2014)
- Seventeen Katten Attorneys Named to 2013 New York Metro *Super Lawyers* List (September 18, 2013)
- Partners Scott Resnik, Henry Bregstein Quoted in Reuters on Regulatory Microscope (April 28, 2010)
- Katten Event on Investors' Rights Covered by *The Hedge Fund Law Report* (March 25, 2010)
- Partner Scott Resnik Quoted in *New York Times* on Allegations Against US Attorney for New Jersey (February 13, 2008)

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- Partner Scott Resnik Quoted in *Newark Star-Ledger* on Roger Clemens Congressional Hearing on Steroid Use (February 11, 2008)

Publications

- What To Know As DOJ Increases Use Of HIPAA Subpoenas (October 29, 2021)
- The Increasing Use of HIPAA Subpoenas in Federal Health Care Investigations (September 20, 2021)
- Agencies and Regulators Focus on AML Compliance for Cryptocurrency Industry (August 24, 2021)
- Businesses Must Prepare For Expansive AML Reporting of Beneficial Ownership Interests (April 29, 2021)
- AML Enforcement Continues to Trend in 2021 (March 2, 2021)
- The CS/ Effect (January 22, 2021)
- COVID-19-Related Criminal and Civil Enforcement Activity Ramps Up (May 22, 2020)
- The DOJ FCPA Enforcement Plan and Guidance Encourages Voluntary Self-Disclosure and Cooperation in Exchange for Additional Mitigation Credit (April 19, 2016)
- The Department of Justice's Focus on Individual Accountability for Corporate Wrongdoing (September 23, 2015)
- Fee Advancement Considerations Arise From Recent Delaware and Third Circuit Decisions (July 20, 2015)
- The Sixth Circuit Reins in the Government's Measure of False Claims Act Damages (May 18, 2015)
- Developments in White Collar Criminal Enforcement: The Government Remains Aggressive, and the Courts' Reaction Is Mixed (April 6, 2015)

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- SDNY Strikes a Blow Against Selective Waivers (January 14, 2014)
- SDNY Holds No Attorney-Client Privilege Applies to Communications With In-House Legal Department in China (December 13, 2013)
- *Gruss v. Zwirn*: SDNY Strikes a Blow Against Selective Waiver (December 5, 2013)
- Offshore Voluntary Disclosure Program Reopens (January 11, 2012)
- Extension and New Guidance for the Voluntary Disclosure Initiative for Undisclosed Foreign Assets (June 10, 2011)
- Bribery Act 2010: Statutory Guidance Finally Issued (April 18, 2011)
- DOJ Announces New Money Laundering and Bank Integrity Unit and "Meaningful Credit" for Cooperation (November 10, 2010)
- US Attorney for Southern District of New York Warns of Looming Crackdown on Insider Trading (November 8, 2010)
- US Sentencing Commission Sends Congress New Requirements for an Effective Compliance and Ethics Program (May 10, 2010)
- Obama Administration Establishes Federal Task Force to Combat Financial Fraud (November 18, 2008)
- SEC Adopts Aggressive Approach to FCPA Violations (August 13, 2009)
- Effects of the Cuban Decision on the Misappropriation Theory of Insider Trading (August 5, 2009)
- The Rise of Deferred Prosecution Agreements (December 18, 2006)
- Government Investigators Focus In on E-Mail (May 30, 2006)
- *Corporate & Financial Weekly Digest* (Weekly) | Author

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Presentations and Events

- Legal & Compliance 2018 Conference (March 8, 2018) | *Panelist* | *Political Intelligence, Big Data and Market Abuse*
- Global Anti-Corruption Compliance Summit (October 24–25, 2016) | *Presenter* | *Conducting FCPA Internal Investigations: How to Stay on the Government's Good Side*
- The Practical, Legal and Ethical Considerations of Internal Investigations (November 3, 2015) | *Presenter*
- Financial Services Litigation Symposium (October 16, 2014) | *Presenter*
- Recent Publicity Concerning Proprietary Trading: Potential Regulatory Responses (May 6, 2014) | *Panelist*
- Recent Publicity Concerning Proprietary Trading: Potential Regulatory Responses (April 28, 2014) | *Panelist*
- Insider Trading in 2013: A Look Back In-Depth (February 26, 2014) | *Presenter*
- New York Law Journal In-House Counsel CLE Event (July 24, 2013) | *Presenter* | *Attorney-Client Privilege for In-House Attorneys*
- Hedge Funds Under Siege (June 12, 2013) | *Panelist*
- 2010 Reuters Global Financial Regulation Summit (April 26–28, 2010) | *Speaker*
- Infected Hedge Funds: Rights and Remedies (March 16, 2010) | *Speaker*
- Insider Trading 2009: The Challenge of Navigating Marketplace Information, Rumors and Regulators (July 14, 2009) | *Presenter*
- Crisis Management for Hedge Funds and Managers: Planning for Survival or Reincarnation (February 25, 2009) | *Panelist*

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- Recent FCPA Developments: Thinking Globally, Acting Lawfully II Seminar (December 11, 2007) | *Presenter*
- Recent FCPA Developments: Thinking Globally, Acting Lawfully II Seminar (December 6, 2007) | *Presenter*