

Michael M. Rosensaft

Partner

New York Office

+1.212.940.6631

michael.rosensaft@katten.com



Practices

FOCUS: Litigation
Health Care Litigation, Reimbursement and Regulation
Insurance and Health Care Fraud Litigation
Privacy, Data and Cybersecurity
Securities Litigation
White Collar and Internal Investigations

Education

JD, University of Pennsylvania Law School
BA, The Johns Hopkins University

Bar Admissions

New York
New Jersey

Court Admissions

United States Supreme Court
US District Court, Southern District of New York
US Court of Appeals, Second Circuit
US District Court, Eastern District of Michigan
US Court of Appeals, Ninth Circuit
US District Court, District of New Jersey
US District Court, Eastern District of New York

Community Involvements

Federal Bar Council
National Association of Criminal Defense Lawyers

Michael Rosensaft helps individual clients at what is often the greatest crisis of their lives — facing government prosecutors — and advises corporate clients through difficult and complex enforcement investigations. Whether it is responding to a regulatory subpoena, overseeing an internal investigation of employee wrongdoing or advocating for individuals in front of a jury, Michael devotes his efforts to ensuring his clients are protected. A litigator with years of courtroom experience, Michael defends individuals and companies through every stage of investigations and enforcement actions. And as a former AUSA, Michael understands government investigations and prosecutions from the inside and uses that knowledge to gain advantages for his clients.

An insider's approach to white-collar defense

As an Assistant United States Attorney with the Southern District of New York, Michael prosecuted criminal cases, working closely with federal regulators and law enforcement as well as government officials and foreign law enforcement around the world. Now, Michael brings his insider's perspective to his clients' defense, helping them navigate their most serious legal concerns.

Michael regularly represents individuals, small businesses, banks and hedge funds in handling regulatory request and actions, internal investigations and criminal indictments. Michael puts his efforts into assuring his clients are never charged with wrongdoing, but when his client's cases go to trial, Michael has the courtroom experience to mount a vigorous defense. He handles all aspects of litigation from efforts to resolve any issues prelitigation, discovery and motion practice, trial and, if necessary, appeal.

In recent years, Michael has vacated a 75-count conviction for a client on appeal in the Second Circuit and staved off attacks on his client's privileged communications with his former lawyer in the Third Circuit. Michael manages cases involving white-collar insider trading and fraud, health care fraud, anti-kickback cases, regulatory compliance issues, fraudulent tax shelters, money laundering and insurance fraud. He has conducted internal investigations for

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clients in multiple industries including health care, investment banking, food services and accounting.

As an AUSA for the Southern District of New York, Michael oversaw the investigation and prosecution of numerous criminal cases involving terrorism, international money laundering, export violations, bribery of foreign officials, RICO violations, bank fraud, wire fraud, health care fraud and computer crimes. He was responsible for all aspects of litigation as a federal prosecutor — from pre-indictment investigation and grand jury practice through discovery, motion practice, trial and appeal.

Throughout his tenure as an AUSA, Michael worked closely with federal investigative and administrative agencies, including the FBI, the IRS and the State Department. He also coordinated federal prosecutions with law enforcement and government officials in other countries, including working with UN and Guatemalan prosecutors in the investigation and indictment of the former president of Guatemala, Alfonso Portillo, for money laundering.

Michael served as law clerk to the Honorable Jane R. Roth of the US Court of Appeals for the Third Circuit.

Representative Experience

- Represent individual accused of market manipulation involving spoofing and coordinated trading.
- Create AML compliance program for company in the cryptocurrency space.
- Represent hedge fund manager in connection with insider trading investigation by US Attorney's office and SEC.
- Internal investigation of major accounting firm amidst financial irregularities.
- Represented individual before the grand jury and US Court of Appeals for the Third Circuit in a RICO conspiracy charge involving payday lending. The appeal produced a precedential opinion, protecting attorney-client communications from crime-fraud allegations.

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- Multiple representations of companies and individuals in connection with criminal, regulatory and rulemaking actions concerning bitcoin and other virtual currencies.
- Money laundering investigation of potential foreign purchaser of communications company.
- Successful representation of individual foreign exchange trader and his company in connection with SEC investigation resulting in no-action letter.
- Represent owner of pharmaceutical company in criminal FDA matter.
- Represent loan company in first-ever action brought by state regulator under Dodd Frank's UDAAP provision.
- Internal investigation of medical manufacturer and supplier concerning the development and testing of medical device.
- Advise regarding voluntary domestic and foreign tax disclosures by an individual and his investment company.

Recognitions

Recognized or listed in the following:

- America's Top 100 Criminal Defense Attorneys
 - 2020
- Empire State Counsel®
 - Pro Bono Honoree, 2016
- Super Lawyers
 - New York, 2017–2019
- The Legal 500 United States
 - Recommended Attorney, 2014, 2017

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News

- '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 Partner Files Petition With US Supreme Court in Racketeering Conviction (March 13, 2020)
- Katten's Insolvency and Restructuring Team Wins Two Turnaround Awards (December 12, 2019)
- Katten Attorneys Nominated to 2019 New York Super Lawyers, Rising Stars Lists (September 12, 2019)
- Katten Attorneys Named to 2018 New York *Super Lawyers*, Rising Stars Lists (September 13, 2018)

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- Too Sick For Prison? Main Line's 'Godfather of Payday Lending' Makes Last-Minute Pitch to Avoid Lockup (July 23, 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 Honors 13 Attorneys for Outstanding Pro Bono Service (June 29, 2016)
- Michael Rosensaft Quoted in *Global Association of Risk Professionals* Article on New Insider Trading Bill (April 23, 2015)
- Partner Michael Rosensaft Discusses Effects of Insider Trading With *Financier Worldwide* (September 23, 2014)
- Partner Michael Rosensaft Comments on Corruption Trial of Former Virginia Governor in *The New York Times* (August 6, 2014)
- Eight Katten Practices and Forty-Two Attorneys Recognized by *The Legal 500 United States 2014* (July 3, 2014)
- Partner Michael Rosensaft Discusses Insider Trading Evidence With Law360 (April 10, 2014)
- Partner Michael Rosensaft Quoted in Law360 on Possibility of Criminal Charges for Falcone (August 20, 2013)
- Partner Michael Rosensaft Comments on "London Whale" Nonprosecution in Law360 (August 15, 2013)
- Partner Michael Rosensaft Quoted on Judicial Scrutiny of DPAs in Law360 (July 8, 2013)
- Partner Michael Rosensaft Comments on Use of DPAs in FCPA Cases in the United Kingdom in Law360 (May 14, 2013)
- Partner Michael Rosensaft Discusses Boston Marathon Bombing Case with *Los Angeles Times* and Reuters (April 29, 2013)

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- Partner Michael Rosensaft Quoted in National News Outlets Discussing Charges Against Bin Laden Son-in-Law (March 12, 2013)
- Partner Michael Rosensaft Interviewed by *Compliance Week* for Article on Deferred Prosecution (February 12, 2013)
- Partner Michael Rosensaft Featured in *Corporate Crime Reporter* (October 8, 2012)

Publications

- 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)
- Insider Trading After 'Salman' (June 2, 2017)
- Recent Key Bitcoin and Virtual Currency Regulatory and Law Enforcement Developments (November 13, 2014)
- IRS Issues Pronouncement on Virtual Currencies (April 3, 2014)
- A Look Back at Insider Trading in 2013 (January 13, 2014)
- SDNY Holds No Attorney-Client Privilege Applies to Communications With In-House Legal Department in China (December 13, 2013)
- Bitcoin: Current US Regulatory Developments (November 26, 2013)
- First Half 2013 Insider Trading Review (August 21, 2013)
- More Securities Fraud Cases Now Involve Foreign Regulators (April 22, 2013)
- Aggressive Wiretap Affirmed with Little Fanfare (February 21, 2013)
- International Sharing of Evidence: A 2-Way Street (January 11, 2013)
- New International Focus on Prosecution of White-Collar Crime (December 20, 2012)

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- Criticism of DPAs and NPAs Is Unwarranted (September 25, 2012)
- *Corporate & Financial Weekly Digest* (Weekly) | *Author*

Presentations and Events

- The Realities of Virtual Litigation (January 27–February 17, 2021) | *Speaker*
| *Criminal Witness and Trial Prep in a Virtual World*
- The Latest On Crime-Fraud and Taint Teams (December 9, 2019) | *Panelist*
- Financial Services Litigation Symposium (October 16, 2014) | *Presenter*
- Insider Trading in 2013: A Look Back In-Depth (February 26, 2014) |
Presenter
- Best Practices for Preventing Banking Fraud in 2013 (July 25, 2013) |
Panelist