



## **Benjamin D. Singer**

Partner

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Benjamin Singer represents multinational corporations and their boards and executives in high-stakes criminal and civil investigations by the US Department of Justice, Securities and Exchange Commission, and other federal and state agencies. Ben joined O'Melveny after a decade at DOJ, where he most recently served as Chief of the Department of Justice's Market Integrity and Major Frauds Unit. In this role, Ben was the lead prosecutor on several of the largest cross-border cases in DOJ history, including Volkswagen's alleged evasion of US emissions standards, the foreign exchange manipulation cases, and cases alleging LIBOR manipulation.

Ben has been recognized by *Chambers USA* as a leading lawyer in Washington, DC for White Collar Crime and Government Investigations. The 2021 edition of *Chambers USA* quotes a client who describes Ben as a "very smart, talented and tenacious lawyer" and notes that "he has handled multiple, large-scale investigations, and has done so with finesse and an attention to detail that is particularly admirable." Ben has also been recognized by *The Legal 500 US*, named a Washington DC "Super Lawyer" for white collar criminal defense, and named a future leader in the investigations bar by *Who's Who Legal* and *Global Investigations Review*.

As Chief of the DOJ's Market Integrity and Major Frauds Unit, Ben oversaw approximately 50 federal prosecutors investigating complex securities, commodities, and other corporate fraud and corruption offenses, including market manipulation, spoofing, insider trading, accounting fraud, procurement fraud, money laundering, environmental crimes, antitrust offenses, and bribery.

### **Admissions**

#### *Bar Admissions*

Washington, DC  
New York

#### *Court Admissions*

US District Court, District of Columbia  
US District Court, Southern and Eastern Districts of New York

### **Education**

Cornell Law School, J.D., 2002  
The College of William & Mary, B.A.,  
1999: with honors

Prior to that, Ben served as Chief of the DOJ's Health Care Fraud Unit, where he supervised a team of over thirty prosecutors that prosecuted offenses in the health care industry, including fraud, kickbacks, money-laundering, and FCPA-related offenses.

Ben is a formidable trial lawyer, having served as first-chair trial counsel in eight felony white-collar jury trials during his time at the DOJ. His work twice earned him the DOJ's highest honor: the Attorney General's Award.

Prior to his government service, Ben worked in the New York office of two international law firms.

## Experience

### In Private Practice

- Representing a global automobile manufacturer in a criminal DOJ investigation relating to recall notices.
- Representing a global construction company in a criminal DOJ investigation related to alleged FCPA violations.
- Representing a Fortune 50 company in a criminal DOJ investigation relating to allegations of healthcare fraud.
- Representing a Fortune 50 company in DOJ investigations under the False Claims Act.
- Representing a Fortune 50 company in litigation under the False Claims Act.
- Representing an international company in a criminal DOJ investigation relating to allegations of fraud in defense contracting in Africa.
- Representing a Fortune 500 company in parallel DOJ criminal and CFTC investigations into manipulation in the futures markets.
- Representation of a Global 100 company in a criminal DOJ investigation relating to allegations of fraud and bribery in defense contracting.
- Representation of an audit committee of a national manufacturer in an internal investigation relating to allegations of self-dealing, conflict of interest and other misconduct by executive management.
- Representation of a Global 50 company in a criminal DOJ investigation relating to alleged FCPA violations.
- Representation of a major financial institution in a criminal DOJ investigation relating to insider trading.
- Representation of a global automobile manufacturer in a criminal DOJ investigation relating to safety defects, resulting in no criminal charges being filed.
- Co-lead trial counsel for a Fortune 100 company during a month-long arbitration of a multi-million dollar contractual dispute with former executive management.
- Representation of a Fortune 100 company in an internal investigation relating to fraud and self-dealing.
- Representation of a national managed-care organization in an internal review of its compliance with Medicare Advantage risk-adjustment reimbursement rules.

## In Government

- Lead trial counsel for the United States in investigation and trial of CEO, CFO, and other key executives of a publicly-traded medical device manufacturer in a \$750 million accounting fraud case involving revenue recognition and "channel stuffing."
- Lead counsel for the United States in investigation of Volkswagen, Audi, and their current and former executives for fraud, violations of the Clean Air Act, and obstruction of justice in the "Dieselgate" emissions case, including negotiation of one of the largest fines in U.S. history.
- Co-lead counsel for the United States in investigation of five global financial institutions for alleged manipulation in the foreign-exchange markets.
- Trial counsel for the United States in trial of a senior executive of a health care company who allegedly participated in a \$205 million Medicare billing fraud.
- Supervised investigation of major financial institutions for alleged manipulation of LIBOR and related benchmark interest rates in the Southern and Eastern Districts of New York and negotiated related corporate resolutions.
- Supervised investigation of Takata Corporation for alleged fraud in the sale of defective airbag inflators to its customers and helped negotiate related corporate resolution.
- Supervised investigation and extradition of Navinder Sarao, the so-called "Flash Crash Trader" for fraud and spoofing in the commodities markets.
- Supervised investigation of the largest bribery scandal in the history of the U.S. Navy, involving a Malaysian defense contractor known as "Fat Leonard" Francis, and his company, Glenn Defense Marine Asia.
- Supervised investigation of two former employees of a global financial institution for defrauding one of its customers in a multi-billion dollar foreign exchange transaction through front-running and ramping.
- Supervised investigation of a global pharmaceutical manufacturer for allegedly bribing physicians and government health officials in China in violation of the Foreign Corrupt Practices Act (FCPA).
- Lead trial counsel for the United States in eight white-collar criminal trials involving securities fraud, wire fraud, mail fraud, health care fraud, money laundering, structuring, and identity theft.

## Government Experience

- Chief, Market Integrity and Major Frauds Unit, Fraud Section, Criminal Division, U.S. Department of Justice (2014–2018)
- Chief, Health Care Fraud Unit, Fraud Section, Criminal Division, U.S. Department of Justice (2013–2014)
- Assistant Chief, Fraud Section, Criminal Division, U.S. Department of Justice (2011–2014)
- Trial Attorney, Fraud Section, Criminal Division, U.S. Department of Justice (2009–2011)

## Professional Activities

### Publications

- "Trends in US Criminal FCPA Enforcement – Record Numbers Being Driven by Increased Resources and Cooperation Incentives," *Financier Worldwide* (Jan. 22, 2020)

- “DOJ Eases Requirements in Corporate Enforcement Policy Update,” *O’Melveny & Myers LLP Client Alert* (Nov. 26, 2019)
- “DOJ Lifts the Curtain on Evaluating Claims of ‘Inability to Pay,’” *O’Melveny & Myers LLP Client Alert* (Oct. 16, 2019)
- “International Financial Fraud Enforcement Trends in a Globalized World,” *The Review of Securities & Commodities Regulation* (Dec. 19, 2018)
- “Preserving Privilege in Cross-Border Internal Investigations,” *Global Investigations Review* (Oct. 1, 2018)
- “Second Circuit Decision Limits FCPA Jurisdiction as to Foreign Nationals Outside the United States,” *O’Melveny & Myers LLP Client Alert* (Aug. 28, 2018)
- “Federal Appeals Court Refuses to Void Criminal Service of Process on Counsel for Foreign Corporation Making Limited Appearance,” *O’Melveny & Myers LLP Client Alert* (Aug. 23, 2018)
- “California Decision Distorts Bank Liability Under FIRREA,” *Law360* (July 17, 2018)

### Speaking Engagements

- HCCA Compliance Institute, “Managed Care Enforcement Trends and Compliance Risks” (2020, 2021)
- ABA National Institute on Healthcare Fraud, “Managed Care Fraud & Enforcement” (2019)
- HCCA Compliance Institute, “Managed Care Fraud: Enforcement and Compliance” (2019)
- University of Texas School of Law, Annual Government Enforcement Institute, Panelist, “Financial Fraud Enforcement Trends: A Conversation with the SEC and DOJ” (2018); Keynote Speaker (2017); Panelist, “Current Trends in Criminal and Civil Investigations” (2015, 2018, 2019)
- ABA National Institute on White Collar Crime, “Securities Enforcement in 2018 and Beyond” (2018)
- Practising Law Institute, Swaps and Derivatives and Market Enforcement, Panelist, “Perspectives from Government Agencies” (2016, 2017)
- SEC & DOJ Hot Topics, Panelist, “Current Developments Materially Affecting Corporations, Financial Institutions, Individuals” (2016, 2017)
- SIFMA, Compliance & Legal Annual Seminar, Panelist, “US and Global Market Abuses: Price Manipulation and Other Issues” (2016)
- FDIC/DOJ Financial Crimes Conference, Keynote Speaker (2016) (included approximately 500 government-only participants)
- Securities Litigation and Regulatory Practice Seminar, Panelist, “Enforcement Developments” (2016)
- ABA Business Law Section, Derivatives & Futures Law Committee Winter Meeting, Panelist, “Enforcement/Litigation Developments” (2015)
- American Bar Association, National Institute on Securities Fraud, Panelist, “Wall Street to the Hill: The Continuing Evolution of Insider Trading Investigations” (2014); Panelist, “Enforcement Priorities” (2015)
- National Health Care Anti-Fraud Association, Annual Training Conference, Speaker “Medicare Fraud Strike Force and Beyond” (2011, 2012); Speaker, “Summary Evidence in Health Care Prosecutions” (2012)

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## Honors & Awards

- *Chambers USA*, Litigation: White-Collar Crime & Government Investigations (2021)
- Washington DC “Super Lawyers,” White Collar Criminal Defense (2020, 2021)
- *Who’s Who Legal Global Investigations Review* – Future Leader, Investigations (2019, 2020, 2021)
- *The Legal 500 US* Recommended Lawyer for Antitrust in Cartel, Civil Litigation/Class Actions: Defense, and Merger Control (2019)
- Attorney General’s Award for Distinguished Service (2016)
- Attorney General’s Award for Fraud Prevention (2012)
- Department of Justice Director’s Award (2018)
- Assistant Attorney General’s Award for Exceptional Service (2011, 2015)
- Assistant Attorney General’s Award for Distinguished Service (2010, 2014)
- Inspector General of the Department of Health and Human Services’ Integrity Award (2011)