



# Stephen A. Miller

## Co-Chair, White Collar Defense & Investigations

### Philadelphia

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Clients facing government investigations depend on counsel with practical judgment and investigative expertise. As the co-chair of our White Collar Defense & Investigations practice group, Stephen marshals his experience in those areas to advise companies and individuals confronting potential criminal exposure.

He works with clients to conduct internal investigations, implement compliance solutions, and navigate government investigations. Stephen is highly skilled at helping clients avoid criminal charges and litigation in the first place, but if it cannot be avoided, he draws on his notable litigation experience to defend his clients' reputations and interests. Stephen has particular experience in the areas of international anti-corruption laws, export controls, the False Claims Act, and matters relating to sports and gaming regulation.

Following two judicial clerkships, including one on the Supreme Court of the United States, Stephen served nine years as a federal prosecutor in the U.S. Attorneys' Offices in the Southern District of New York and the Eastern District of Pennsylvania. He handled wide-ranging international investigations as a prosecutor, conducting and supervising innovative investigations of violations of the Foreign Corrupt Practices Act (FCPA) and federal export regulations. Among other successes, Stephen investigated and prosecuted individuals who exported sensitive technology to Iran in violation of export controls, uncovered and prosecuted widespread fraud in the United Nations Oil-for-Food Program, and thwarted efforts by Hezbollah to obtain thousands of heat-seeking missiles and machine guns from sources inside the United States.

In addition to his unique investigative and trial experience, Stephen has exceptional abilities as an appellate lawyer. He has briefed and argued appeals before the U.S. Courts of Appeals for the 2nd, 3rd, 7th, and Federal Circuits, and has also briefed matters in multiple state Supreme Courts and the Supreme Court of the United States.

## Experience

### Internal Investigations

- Represented a skilled nursing facility facing allegation of health care fraud, and convinced the U.S. Department of Justice to terminate its False Claims Act (FCA) investigation into the matter.
- Conducted internal investigation for a publicly traded company regarding accounting practices at one of its subsidiaries.
- Conducted internal investigation for a large health care services provider into potential Stark Act violations.
- Conducted internal investigation for a national services company regarding billing practices and mismanagement of company's resources by local agents.
- Conducted internal investigation for a publicly traded company regarding benefits provided to federal government officials.
- Conducted internal investigation for an agricultural company into fraud by a foreign partner and used that investigation to obtain a \$9 million reimbursement from the client's insurance company.
- Conducted internal investigation for The Wine Advocate, a pre-eminent and independent publisher of

## Practice Areas

- White Collar Defense & Investigations
- Commercial Litigation
- Appellate & Supreme Court
- Trade Regulation, Export Controls & Sanctions
- Securities Litigation & SEC Enforcement

## Industry Sectors

- Education
- Gaming
- Sports

## Education

- Northwestern Pritzker School of Law, J.D., *summa cum laude*, 1997
- Princeton University, A.B., *summa cum laude*, 1993

## Bar Admissions

- Pennsylvania
- New Jersey
- Illinois

## Awards & Honors

- American Lawyer's Northeastern Trailblazer (2022)
- Best Lawyers in America - Criminal Defense: White Collar (2020 - 2024)
- Philadelphia Business Journal's 2021 Best of The Bar - White Collar Criminal Defense
- Chambers USA (Litigation: White-Collar Crime & Government Investigations - PA) (2021 - 2024)
- *Chambers & Partners USA* - Pennsylvania, Litigation: White-Collar Crime & Criminal Investigations - Recognized Practitioner (2018)
- *U.S. Attorney General's Distinguished Service Award* (2008)

## Clerkships

Honorable Joel M. Flaum, U.S. Court of Appeals for the Seventh Circuit  
Honorable Antonin Scalia, The Supreme Court of the United States

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wine reviews and ratings, into allegations of impropriety by former associates.

- Conducted internal investigation for international company into potential antitrust violation in multiple jurisdictions.

#### Criminal Defense

- Represented an individual under criminal investigation by the Philadelphia U.S. Attorney's Office for participation in a fraud conspiracy. Our advocacy convinced the U.S. Attorney to decline to prosecute our client entirely.
- Represented an executive of a state contractor in connection with a federal fraud investigation. No charges were filed against the client.
- Represented an international supplier of automotive parts in connection with a federal antitrust investigation. No charges were filed against the client.
- Represented former CEO of a publicly traded health care company at sentencing. Our advocacy convinced the judge to sentence the client to 36 months in prison, where the court found the applicable sentencing guidelines range was 121-151 months imprisonment.
- Represented several executives of two international banks in connection with federal investigations of possible violations of U.S. Treasury sanctions and State of New York laws. No charges were filed against any of the clients.
- Represented manufacturer in federal price-gouging investigation. No charges were filed against the client.
- Represented horse trainer in criminal prosecution in the Southern District of New York for administering performance-enhancing drugs.

#### Anti-Corruption Laws and Export Controls

- Conducted internal investigation for an international energy company regarding potential FCPA exposure.
- Counseled multiple international energy companies on compliance strategies relating to the use of consultants in South America, Russia, Kazakhstan, and China, and trained those consultants directly on compliance with international anti-corruption laws.
- Advised a foreign manufacturing corporation company under investigation for violation of U.S. export controls. We investigated the matter, engaged with the prosecutors, and ultimately convinced the prosecutors that criminal charges would be inappropriate. The client was never charged and never asked to pay any civil/administrative penalty.
- Counseled an import-export company in an investigation of possible violation of export controls. No charges were filed against the client.
- Counseled a publicly traded software company about the application of U.S. trade sanctions and export controls on proposed international transactions, including advice on due diligence of potential partners and licensees.

#### Gaming and Sports

- Negotiated a settlement agreement with the potential to revolutionize the U.S. sports-betting market on behalf of Laura Varela and 5Dimes, a popular offshore sportsbook in Costa Rica. The U.S. Department of Justice had been investigating illegal gambling and money-laundering activity associated with 5Dimes and Ms. Varela's husband at the time of his death in 2018. Our team negotiated an unprecedented resolution with prosecutors in the Philadelphia U.S. Attorney's Office that resolved 5Dimes's legal liability and that allowed Ms. Varela to reposition the sportsbook to enter the regulated U.S. sports-betting industry. Further, the Government expressly agreed to advise state regulators, banks, and investors about her extraordinary cooperation and impressive efforts to transform 5Dimes into a lawful, regulated company.

- Advised gaming companies and coaches of professional sports teams on compliance issues and business opportunities for sports relating to the Supreme Court's landmark decision in *Murphy v. NCAA* (2018).
- Advised NCAA coaches and student-athletes on eligibility issues, including representation in enforcement proceedings.