ArentFox Schiff LLP
Attorneys

Peter R. Zeidenberg

PARTNER

Peter defends scientists, individuals, and companies in white collar criminal matters involving contracting fraud, trade secret theft, economic espionage, export violations, and espionage-related offenses.



Industries

Health Care
— Government Investigations
Nonprofits & Associations
— Higher Education

Practices

Complex Litigation
Government Enforcement & White Collar
Government Relations

International

Asia
China

Education

Boston College Law School, JD, 1985
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Client Work

Peter's practice focuses on the representation of scientists, academics, entrepreneurs, and other individuals and business organizations accused or suspected of economic espionage, theft of trade secrets, government contracting and procurement fraud, export violations, espionage-related offenses, computer crimes, the False Claims Act, wire and mail fraud, and the Foreign Corrupt Practices Act. He has had tremendous success in persuading the government to decline to bring prosecutions as well as convincing prosecutors to dismiss cases that have already been brought. If a trial is necessary, Peter has a long track record, with scores of jury trials while at the US Department of Justice (DOJ) and in private practice. Peter is experienced in conducting internal investigations and counseling companies and organizations responding to government enforcement threats. His work in such matters includes grand jury investigations, administrative subpoenas, and Congressional investigations, with a particular focus on criminal trials.

A representation of Peter's work on behalf of his clients includes the following:

— Representation of engineer charged in 22-count indictment alleging violating export laws, wire fraud, false statements, and tax counts; successfully moved to dismiss all wire fraud counts, persuaded the government to dismiss export charges (*United States v. Xiaojian Tao*, S.D. Tx, 22-cr-170); *see* "Engineer Who Faced Export Charges Cops To Tax Counts," *Law360*, 10 July 2024; "Man Who Faced Espionage Case Gets Probation Over Taxes," *Law360*, 7 October 2024.

— Won complete acquittals and exoneration for Franklin Tao, a University of Kansas professor, charged with 10 felonies – including seven counts of wire fraud (*United States v. Tao*, Case No. 19-20052); *see* "Court voids last conviction of Kansas researcher in case that started as Chinese espionage probe," *ABC News*, 13 July 2024.

— Representation of chair of Temple University Physics Department suspected of espionage on behalf of China; persuaded the government to dismiss a four-count indictment (*United States v. Xiaoxing Xi*, 15-CR-204, E.D. Pennsylvania); *see* "U.S. Drops Charges That Professor Shared Technology With China," *New York Times*, 11 September 2015; "Collateral Damage," *CBS News*, 15 May 2016.

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Representation of scientist at NOAA suspected of sharing government files with China; persuaded the government to dismiss an eight-count indictment charging government employee with computer hacking, theft, and false statements (*United States v. Xiafen "Sherry" Chen*, 14-CR-149, S.D. Ohio); *see* "Accused of Spying for China, Until She Wasn't," *New York Times*, 9 May 2015; "Collateral Damage," *CBS News*, 15 May 2016.

- Representation of businessman charged in 10-count indictment alleging wire fraud; persuaded the government to provide pre-trial probation and dismissal after six months, with no admission of wrong-doing (*United States v. Yalin Liu,* 1:16-cr—0042, M.D. Pa.).

- Representation of academic/entrepreneur accused of export-control violation; persuaded the government to dismiss indictment alleging scientist made false statements in connection with the export of certain technology to China (*United States v. Xin Zhao,* 8:16-MJ-1538, M.D. Fla).

- Representation of engineer accused of Theft of Trade Secrets and Economic Espionage (*United States v. Shan Shi,* 1:17-cr-110, D.DC.); won acquittals on Economic Espionage charges after three-week jury trial.

- Representation of scientist indicted for 43 counts of wire fraud and Theft of Trade Secrets from GSK (*United States v. Yu Xue,* 16-cr-00022, E.D. Pa.); client pled guilty to one count of theft of trade secrets; government alleged loss of $1B to GSK; after three-day evidentiary hearing, Court found no loss to GSK; received eight-month sentence; *see* "U.S. loses bid to lengthen ex-GSK scientist's sentence in trade secret case," *Reuters*, 2 August 2022.

- Representation of scientist accused of SBIR contracting fraud (*United States v. Pengcheng Lv, 20-CR-00021, D. De.)*; client accused of multimillion-dollar wire fraud scheme; pled guilty to one count of wire fraud, received sentence of home confinement.

- Representation of Virginia Tech professor accused in 24-count indictment alleging wire fraud; after trial, won acquittals on 19 counts; client received sentence of probation (*United States v. Percival Zhang*, 7:17-cr-73, W.D. Va.).

- Representation of nuclear engineer accused of assisting China in the development of plutonium (*United States v. Szuhsiung Ho,* 3:16-CR-00046); *see* "U.S. used Cold War-era statute to prosecute Taiwanese American nuclear engineer," *The Washington Post*, 6 January 2017.

- Representation of businessman charged with bank fraud in N.D. of California; persuaded government to dismiss after pre-trial diversion (*United States v. David An,* 19-cr-71190).

- Representation of scientist accused of SBIR contracting fraud (*United States v. Wei Xu*, 6:16-CR-14, M.D. Fla); client originally charged in a multi-count indictment alleging wire fraud; pled to one count of false statements, received sentence of probation, with no fine or restitution.

- Representation of scientist accused of SBIR contracting fraud involving NASA and NSF (*United States v. Geng,* 8:16-cr-00558, D. of Md.); client originally charged with wire fraud; pled to one count of false statements, received one-year probation, with no fine or restitution.

- Representation of publicly-held company in connection with DOJ and Securities and Exchange Commission (SEC) investigation into alleged bribes paid in Asia to obtain licenses and visas; persuaded DOJ to decline prosecution.

- Representation of publicly-held company in connection with qui tam case in which relator alleged that company overcharged US Army for meals and travel-related expenses in Pakistan; persuaded government not to intervene in case.

- Won dismissal of all charges lodged against individual charged in US District Court in Washington, DC, in connection with so-called "Shot Show" FCPA sting case, in which DOJ alleged that 22 defense contractors had paid bribes to African defense minister in connection with sale of military hardware (*United States v. David Painter*, D. DC., 1:09-cr-00335); *see* "Inside The 'Africa Sting' Trial: Anatomy Of A Failed Prosecution," *FCPA Professor*, 23 July 2012.

- Won acquittals on all counts in Eastern District of Virginia on charges of Obstruction of Justice and Conspiracy lodged against former federal law enforcement agent.

- Won release of physician sentenced to life in prison for illegally dispensing OxyContin and causing death of a patient; successfully brought *habeas* petition resulting in vacating of key counts of conviction (*United States v. Ronald McIver,* D.S.C. 8:04-cr-00745-HFF).

- Representation of president of Fortune 500 company on allegations of insider trading; persuaded state and federal prosecutors that charges not warranted.

- Representation of foreign national charged with arms smuggling and conspiracy in Western District of New York; successfully persuaded government to offer misdemeanor plea with no jail time and no forfeiture or fines.

- Representation of foreign bank in DOJ investigation of alleged OFAC violations; persuaded

federal prosecutors to decline charges.

- Representation of federal law enforcement official investigated by DOJ for conspiracy, false statements, and visa fraud; successfully persuaded DOJ to decline prosecution.
- Representation of officer of European manufacturing corporation alleged to have conspired with international cartel to fix prices.
- Representation of publicly held defense contractor in connection with whistle-blower claim that sales agents paid bribes to military of Middle Eastern country in violation of FCPA.
- Representation of individuals in DOJ investigation into alleged violations of Federal Election Commission (FEC) laws.
- Representation of publicly traded corporation alleged to have committed bid-rigging.
- Representation of publicly-held corporation in connection with Congressional investigation.

Previous Work

Prior to joining ArentFox Schiff, Peter was a partner at an international law firm where he represented businesses and individuals threatened with government investigations. Before working at that firm, he spent 17 years as a federal prosecutor at the DOJ, where he served in both the Public Integrity Section of the Criminal Division and at the United States Attorney's Office in the District of Columbia.

While Peter was at the DOJ, he investigated and prosecuted local, state, and federal officials. His trial experience included some of the DOJ's highest profile criminal cases. One of these cases involved Peter's service as a Deputy Special Counsel in the investigation and prosecution of Lewis "Scooter" Libby. While at the Public Integrity Section, Peter was also responsible for the prosecution of *David Safavian*, in which the former Chief of Staff of the General Services Administration (GSA) was tried for obstruction of justice and false statements in connection with the Jack Abramoff investigation.

While at the DOJ, Peter coordinated and supervised investigations conducted by the Federal Bureau of Investigation (FBI), the Office of Inspector Generals (OIG) from the GSA, the DOJ, the Drug Enforcement Agency (DEA), and the Special Inspector General for Iraq Reconstruction (SIGIR).

Prior to his work at the DOJ, Peter was an Assistant United States Attorney in the District of Columbia. There he spent the majority of his time prosecuting violent crimes, winning convictions in 16 out of 18 first-degree murder cases he tried. In addition, Peter won life sentences for all six of the defendants he prosecuted in a nine-month long Racketeer Influenced and Corrupt Organizations (RICO) prosecution of a murderous drug-gang. In his career, Peter has first-chaired over 100 jury trials and argued two dozen appellate cases.

In addition to his work at the federal level, Peter was also a state prosecutor for five years in Middlesex County, Massachusetts.

Publications, Presentations & Recognitions

Publications

Peter has authored the following publications:

- "11th Circ. Kickback Ruling May Widen Hearsay Exception," *Law360*, 10 October 2024.
- "Third Circuit Nullifies Intended Loss as Sentencing Enhancement," *Bloomberg Law*, 12 December 2022.
- "'Branded As Spies,' Chinese Academics Vindicated In Court," *Law360*, 25 October 2022.
- "The China Initiative May Have Finally Died—Killed Not by DOJ but the Courts," *The National Law Journal*, 29 September 2022.
- "Biden's DOJ Needs to End War on Chinese-American Scientists," *Bloomberg Law*, 28 January 2021.
- "Employers Take Note: DOJ Cracks Down On H-1B Abuse," *Law360*, 11 December 2015.
- "Chinese-Americans are being caught mistakenly in the US's cybercrime dragnet," *Washington*

Post, 12 November 2015.

- "Government Pulls Out All the Stops to Investigate and Prosecute Medicare Fraud Against Sacred Heart Hospital Executives in Chicago," *Bloomberg BNA*, 15 April 2015.
- "Supreme Court Justices Need To Get Out More," *Law360*, 14 November 2014.
- "What the McDonnell Verdict May Mean Going Forward," *Roll Call*, 9 October 2014.
- "Saving Face: DOJ Prosecutes Executives Over Corporations," *Law360*, 25 September 2014.
- "Reduce long sentences for drug dealers even if it makes prosecutions harder," *The Washington Post*, 10 April 2014.
- "US-Swiss voluntary disclosure program: deadlines are looming — Swiss banks need not panic, but must act swiftly and thoughtfully," 21 November 2013.
- "1 More Thing to Keep GCs Awake at Night," *Law360*, 13 November 2013.
- "Banques: le point de vue d'avocats américains," 23 October 2013.
- "US DOJ and Swiss government announce new voluntary disclosure program for Swiss banks," *DLA Piper International Tax Compliance Alert*, 4 October 2013.
- "The Ted Stevens case shows a need for reform," *Politico*, 2 April 2012.
- "Growing liability risk to foreign financial institutions from tax disclosure cases," *Financial Fraud Law Report*, 16 February 2010.
- "IRS voluntary disclosure program poses threat to foreign banks," *Daily Tax Report*, 3 December 2009.
- "Tax man cometh — and is looking for your overseas accounts," 22 June 2009.
- "IRS issues new voluntary disclosure guidance for unreported offshore accounts and entities," 15 April 2009.

Recognitions

In 2012 and 2015-2027, Peter was listed in *The Best Lawyers in America* in the practice area of Criminal Defense: White-Collar, and Best White-Collar Lawyers in DC for 2019.

In 2002, Peter received the Director's Award for Superior Performance as an Assistant United States Attorney by the Executive Office of United States Attorneys. In addition, he received 10 Department of Justice Special Achievement Awards.

Presentations

Peter is a sought-after commentator and speaker on an extensive list of topics. Recently, he has presented on the following:

- "Racial Profiling Among Scientists of Chinese Descent and Consequences for the US Scientific Community," Committee of 100. 28 October 2021 (Webinar).
- "Science and Technology Caught Between the United States and China: The Challenges Facing Chinese American Researchers," Committee of 100. 28 September 2019 (East Palo Alto, CA).
- University of Minnesota's US-China Relations S.T.E.M. Community Outreach Event. 4 April 2019 (Minneapolis, MN).
- "Scientist or Spy?," 2016 SASE Midwest Regional Conference. 12 March 2016 (Minneapolis, MN).
- "Examining Cases of Scientists Wrongly Accused of Spying for China ," The Heat, CCTV America. 24 February 2016.
- "Government Targeting of Chinese-Americans in Science & High-Tech Industries," Penn State University. 12 December 2015 (University Park, PA).
- "Free Speech, Anti-Corruption, and the Criminalization of Government Affairs ." 2015 National Lawyers Convention, Federalist Society. 13 November 2015 (Washington, DC).
- "Spies or Stereotypes? The Case of Professor Xiaoxing Xi – Are Asian American Scientists Profiled as Economic Espionage Threats?" University of California Hastings College of the Law. 23 October 2015 (San Francisco, CA).
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"Trade Secrets and Economic Espionage: Legal Risks in Advancing Technology between the US and China," Committee of 100. 16 September 2015 (Washington, DC).

Professional Activities

Peter is a barrister at the Edward Bennett Williams Inn of Court. He was also an adjunct professor of law at Georgetown University Law Center, where he taught a course on public corruption.

Bar Admissions

District of Columbia