



# Michael F. Dearington

PARTNER

Mike focuses his practice on complex civil litigation, constitutional law, white collar defense, and government investigations and enforcement.



## Industries

[Life Sciences](#)  
[Media & Entertainment](#)  
[Nonprofits & Associations](#)

## Practices

[Complex Litigation](#)  
[Government Enforcement & White Collar Investigations](#)

## Education

Vanderbilt University Law School, JD, 2013  
Trinity College, BA, Cum Laude, 2008

## Offices

[Washington, DC](#)

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Mike is a highly sought-after advocate who provides advice to corporate and individual clients in connection with a range of difficult legal issues, and represents clients in all stages of high-stakes litigation, from investigation through trial and appeal. He has led or played leading roles in investigations and trials, and he has argued at multiple federal appellate courts and at the highest state-court level. Many of Mike's clients are in the health care and life sciences industries.

Mike routinely counsels clients on matters involving the False Claims Act, the Foreign Corrupt Practices Act, and federal securities laws, as well as complex commercial litigation and white-collar defense matters. He frequently writes and speaks on these subjects, and his work has appeared in or been cited by such publications as the *Wall Street Journal*, *Bloomberg BNA*, *National Law Journal*, and various law reviews. His cases have also been profiled by *The New York Times*, *The Washington Post*, *The Wall Street Journal*, *AP*, *The New Yorker*, and other news organizations.

Mike clerked for Judge José A. Cabranes of the United States Court of Appeals for the Second Circuit and the Foreign Intelligence Surveillance Court of Review. He also previously served as an extern in the US Attorney's office for the District of Connecticut, and worked as a legal assistant at an international law firm.

## Government Investigations & Litigation

Mike routinely advises and represents clients in responding to government subpoenas/CIDs issued by the Department of Justice, component US Attorney's Offices, agency OIGs, the SEC, and state attorneys general, and represents clients in related enforcement proceedings and litigation. Recent government investigations and litigation matters with which Mike has been involved include:

- Led an internal investigation of possible compliance lapses and retaliation at a large multinational corporation and authored the investigation report.
- Obtained dismissal on behalf of a global pharmaceutical manufacturer in a False Claims Act litigation brought by a *qui tam* relator alleging Anti-Kickback Statute conspiracy between various manufacturers and PBMs, upheld on appeal by the First and Second Circuits.

- Obtained declination on behalf of the former president of a benefit management company in a False Claims Act investigation (the former company entered into a \$54 million settlement).
- Obtained declination on behalf of an international medical device manufacturer in an investigation by the DOJ Consumer Protection Branch into possible criminal or civil violations of the Federal Food, Drug, and Cosmetic Act.
- Represented a large public hospital district in a Stark Law, Anti-Kickback Statute, and False Claims Act investigation and litigation in federal court in the Southern District of Florida, leading to a \$69.5 million global settlement.
- Obtained declinations following investigations by the DOJ and NSF-OIG into university and professor disclosures made in federal research grant proposals.
- Represented three individuals in insider-trading investigations brought by the SEC, including document productions and multiple days of testimony, leading to two declinations, one favorable settlement, and no criminal charges.
- Obtained declination on behalf of a municipal advisor entity investigated by the SEC for alleged undisclosed conflicts of interest in connection with a bond offering, and provided related compliance counseling.
- Represented individuals in a parallel SEC and USAO fraud investigation and litigation involving document productions and SEC testimony, leading to a favorable result.
- Obtained favorable settlement on behalf of three pharmaceutical manufacturers in litigation brought by the Louisiana Attorney General's Office alleging false or misleading reporting of FDA approval statuses and fraudulent Medicaid reimbursements.
- Represented entities in investigations brought by the US Attorney for the District of Massachusetts into whether pharmaceutical manufacturers and patient assistance programs violated the Anti-Kickback Statute and False Claims Act relating to the provision of co-pays.
- Represented a national vein clinic in an investigation brought by the US Attorney for the District of Maryland and various Offices of Inspector General into allegations of billing for medically unnecessary procedures, leading to declination.

## White Collar Defense

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Mike regularly represents clients in federal criminal investigations and litigation involving charges of fraud, economic espionage, failure to register as a foreign agent, obstruction of justice, false statements, and conspiracy. Recent representative matters with which Mike has been involved include:

- Obtained dismissal and acquittal as to nine out of 10 fraud and false statement counts brought by the DOJ National Security Division and the USAO for the District of Kansas against a university professor accused of concealing ties to a Chinese university in grant proposals, including winning a motion for judgment of acquittal on all remaining fraud charges following a three-week trial.
- Successfully argued a Third Circuit appeal in a high-profile trade secret theft case, leading to a precedent-setting sentencing decision.
- Obtained full dismissal of fraud charges against a professor accused of grant fraud (N.D. Ohio).
- Argued a high-profile trade secret theft conspiracy case before the DC Circuit, and argued a novel *mens rea* and jury instructions issue at the district court during trial (client was acquitted on economic espionage and money laundering charges).
- Obtained dismissal of fraud charges filed against a physician accused of grant fraud following advocacy to the US Attorney's Office and FBI (N.D. Ga.).
- Obtained pretrial diversion for a client accused of violating the Foreign Agents Registration Act and committing bank fraud (N.D. Cal.).
- Obtained dismissal of a 10-count federal fraud and obstruction of justice indictment on behalf of an insurance executive following pretrial diversion (W.D. Pa.).
- Obtained early compassionate release from incarceration of two defendants under the CARES Act.

## Complex Commercial Litigation and Constitutional Law

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Mike represents and advises clients in complex commercial contract and other business disputes before courts and other tribunals around the country. Recent representative matters with which Mike has been involved include:

- Argued motion for summary judgment and appeal before the DC Court of Appeals in a real estate tax case, establishing precedent that ground lease terminations are not taxable, and successfully reversing the assessment of tax penalties.
- Represented a playwright and director in a defamation suit in federal court in Washington, DC, resulting in a dismissal upheld by the DC Circuit.
- Represented a professional association accused of defamation based on findings published in an internal investigation report prepared by a law firm on behalf of the association, resulting in dismissal (appeal pending).
- Represented a global biologics manufacturer in a confidential arbitration against a drug company involving alleged breaches of contract, obtaining a seven-figure settlement.
- Authored a Federal Circuit and Supreme Court petition in a Rails-to-Trails takings case.

## Publications, Presentations & Recognitions

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- [After 2nd Circ. Ruling, Insider Trading Laws Need Clarification](#), *Law360* (co-author) (2023)
- *Washington, DC Super Lawyers* (2019-2022)
- JD Supra Reader's Choice Award, White Collar (2022)
- [Third Circuit Nullifies Intended Loss as Sentencing Enhancement](#), *Bloomberg Law* (co-author) (2022)
- [The China Initiative May Have Finally Died—Killed Not by DOJ but the Courts](#), *National Law Journal* (co-author) (2022)
- Guest Lecturer regarding DC Circuit's First Amendment and Defamation Legal Developments at George Washington University Law School (2022)
- Quoted by *Bloomberg Law* in [Honeywell's Damages Success May Be Hard for Others to Repeat](#) (2022)
- Quoted by *Bloomberg Law* in [Honeywell Says Body Armor Case Should End Because U.S. Got Paid](#) (2022)
- [Court Approves Novel "Shadow Trading" Theory in SEC Insider-Trading Case](#), JD Supra (co-Author) (2022)
- Quoted by *Healthcare Risk Management* in [Civil Cyber Fraud Initiative Will Increase Some Liability Risk](#) (2021)
- [Sixth Circuit Offers New Clarity for Copycat Fraud Cases](#), *Bloomberg Law* (co-author) (2020)
- Quoted by *Bloomberg Law* in ["Damages Could Pile Up if High Court Affirms False Claims Ruling"](#) (2019)
- Quoted by *Law360* in ["DOJ's Slumping FCA Hauls Cloud Future Recovery Prospects"](#) (2019)
- Eleventh Circuit Deals Blow to Defense Contractors in Key False Claims Act Statute-of-Limitations Tolling Case, Deepening Circuit Split, *Bloomberg BNA* (co-author) (2018)
- [Is DOJ Changing Its Approach to Enforcement? What Regulated Entities Need to Know, Pratt's Government Contracting Law Report](#) (co-author) (2018)
- Whistle While They Work: SEC Announces Largest-Ever Dodd-Frank Whistleblower Awards, *World Export Controls Review* (co-author) (2018)
- [Another One Bites the Dust: Court Tosses Nearly \\$350 Million False Claims Act Verdict Under Escobar](#), Pratt's Government Contracting Law Report (co-author) (2018)
- [How The Supreme Court's Hobbs Act Decision In \*Ocasio v. United States\* Could Expand The Bounds Of Conspiracy Law And Mean Trouble For Bribe-Taking Foreign Officials](#), FCPA Professor Blog (2017)
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[Ocasio v. United States: The Supreme Court's Sudden Expansion of Conspiracy Liability \(And Why Bribe-Taking Foreign Officials Should Take Note\)](#), 74 Wash. & Lee L. Rev. Online 204 (2017)

- Co-presenter, "The Anatomy of a False Claims Act Case," ArentFox Schiff Litigation Essentials Series (2017)
- [The Challenges of Pursuing Foreign Bribe-Takers](#), FCPA Professor Blog (2014)
- [Catch Me If You Can: The Divergent and Inconstant Pleading Requirements Governing Qui Tam Complaints](#), co-written with D. Jacques Smith, *Bloomberg BNA* (2014)
- [From Siriwan to Gonzalez: Why the DOJ Altered the Way It Charges Allegedly Corrupt Foreign Officials](#), FCPA Professor Blog (2013)
- [How Should the District Court in Siriwan Interpret Thailand's Response to the US Government's Extradition Request](#), FCPA Professor Blog (2013)
- [US v. Siriwan Filing Sheds Light on Extradition Relations with Thailand in Pivotal Justice Department Case](#), FCPA Professor Blog (2012)
- [Prosecutors Stymied by Thai Attorney General's Office in Siriwan Case](#), FCPA Professor Blog (2012)
- [Torrents and Rule 20 Joinder: A Burgeoning Issue in the District Courts](#), Vand. J. Ent. & Tech. L. Blog (2012)
- [The Agency Model's Denouement? The DOJ Probes Alleged Price Fixing by Apple and Book Publishers Over E-Book Prices](#), Vand. J. Ent. & Tech. L. Blog (2012)
- [To Catch a Lawsuit: Constitutional Principles at Work in the Investigative-Journalism Genre](#), 15 Vand. J. Ent. & Tech. L. 117 (2012)
- [Social Networks: The Next Frontier of Fourth Amendment Ambiguity](#), Vand. J. Ent. & Tech. L. Blog (2011)

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## Awards & Recognitions

Mike's past awards and recognitions have included:

- Albert E. Arent Pro Bono Award
- Member of team awarded 2015 Detained Children's Champion Award by Capital Area Immigrants' Rights Coalition
- *Vanderbilt Journal of Entertainment & Technology Law*, Executive Editor; also voted "Best Blogger" Award
- *Environmental Law & Policy Annual Review* (ELPAR), Articles Editor
- Chris Lantz Memorial Outstanding Service Award
- Dean's List; Dean's Scholar
- Previously served on Board of Bar Association of DC Young Lawyers Section, and ArentFox Schiff Associates Committee

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## Bar Admissions

[New York](#)

[District of Columbia](#)

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## Court Admissions

[US District Court, District of Columbia](#)

[US District Court, Southern District of New York](#)

[US District Court, Eastern District of New York](#)

[US Court of Appeals, District of Columbia Circuit](#)

[US Court of Appeals, 2nd Circuit](#)

[US Court of Appeals, 3rd Circuit](#)

[US Court of Appeals, 10th Circuit](#)

[US Supreme Court](#)