ArentFox Schiff LLP
Attorneys

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
— Appellate
Government Enforcement & White Collar
False Claims Act Investigations & Litigation
— Investigations

Education

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

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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.

Client Work

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.

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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

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 complete acquittal for client at trial and on appeal in high-profile 10-count fraud and false statement case brought by DOJ National Security Division and US Attorney's Office, including two counts of dismissal, four counts of acquittal by jury after three-week trial, three counts of acquittal by district court, and one count of acquittal following oral argument at the Tenth Circuit in precedent-setting case.
- Prevailed on motion to dismiss 10 wire fraud counts under invalid honest services fraud theory (W.D. Tex.).
- Represent private equity executive in securities fraud case brought by DOJ and SEC.
- Retained following guilty verdict to file post-trial motions in high-profile FARA and alleged election fraud case (D.D.C.).
- 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.).
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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.
- Represented foreign entity in economic espionage case, leading to voluntary dismissal by DOJ (D.D.C.).
- Represented client in honest services fraud case (N.D. Cal.).

Complex Commercial Litigation & Constitutional Law

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 large generic drug producer in licensing dispute with brand manufacturer in Delaware chancery court, leading to favorable resolution.
- 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

Publications

- Mo. Official's Indictment Tests Limits Of Federal Bribery Laws, *Law 360* (co-author) (2026)
- How McDonnell Still Shapes Bribery Defense Strategy, *Law360* (co-author) (2026)
- What's At Stake In High Court's Venue Dispute Case, *Law360* (co-author) (2026)
- Supreme Court Ruling Raises Risks for Clients Testifying at Trial, *Bloomberg Law* (co-author) (2026)
- 10th Circ. Debtor Ruling May Expand Wire Fraud Law Scope, *Law360* (co-author) (2025)
- MIT Bros.' Crypto Charges Provide Fraud Test Case For Gov't , Law360 (co-author) (2025)
- EDNY Ruling May Limit Some FARA Conspiracy Charges, *Law360* (co-author) (2025)
- Nev. Fraud Ruling Raises Stakes For Proxy Battles, *Law360* (co-author) (2025)
- 1st Circ. IMessage Ruling Illustrates Wire Fraud Circuit Split, *Law360* (co-author) (2025)
- Quoted by *Law360* in 10th Circ. Wary Of Ex-KU Prof's False Statement Conviction (2023)
- After 2nd Circ. Ruling, Insider Trading Laws Need Clarification, *Law360* (co-author) (2023)
- 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)

- 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)
- *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)
- 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 Denoument? 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)

Presentations

- Guest Lecturer regarding DC Circuit's First Amendment and Defamation Legal Developments at George Washington University Law School (2022-2024)
- Presenter, *The Fate of the Chevron Doctrine and Judicial Deference to Federal Agencies*

(TECNA Conference Apr. 2024)

- Co-presenter, “The Anatomy of a False Claims Act Case,” ArentFox Schiff Litigation Essentials Series (2017)

Recognitions

- *Washington, DC Super Lawyers* (2019-2026)
- *Best Lawyers in America,* Corporate Governance and Compliance Law and Criminal Defense: White-Collar (2024-2025)
- JD Supra Reader’s Choice Award, White Collar Defense (2022, 2024, 2026)
- Albert E. Arent Pro Bono Award (2017)
- Member of team awarded 2015 Detained Children’s Champion Award by Capital Area Immigrants’ Rights Coalition
- *Vanderbilt Journal of Entertainment & Technology Law*, Former Executive Editor; also voted “Best Blogger” Award
- *Environmental Law & Policy Annual Review* (ELPAR), Former Articles Editor
- Vanderbilt University Law School Chris Lantz Memorial Outstanding Service Award
- Vanderbilt University Law School Dean’s List; Dean’s Scholar

Professional Activities

- Previously served on Board of Bar Association of DC Young Lawyers Section, and ArentFox Schiff Associates Committee

Bar Admissions

New York
District of Columbia
Kansas

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 District Court, District of Kansas
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