



Harry Sandick

Partner

hsandick@pbwt.com

Tel: 212-336-2723

Fax: 212-336-2222

Harry Sandick is a partner in the Firm's Litigation department and a member of the Firm's White Collar Defense and Investigations team. A former Assistant U.S. Attorney for the Southern District of New York, Mr. Sandick focuses his practice on white collar criminal defense, internal investigations, securities fraud litigation and civil and criminal appellate litigation. Mr. Sandick has represented clients at every stage of the criminal process, ranging from witnesses who require counsel for an interview with the government during a grand jury investigation, to those who have been indicted and sentenced for serious white-collar offenses.

During his career in private practice, Mr. Sandick has represented organizations and individuals in investigations and prosecutions in New York and around the world in many of the leading white-collar investigations conducted during the past several years. Representative clients and matters include:

- Investment bank personnel who have been under investigation for manipulation of LIBOR, foreign exchange currencies and other benchmark rates.
- Financial advisors and brokers who sold structured notes that led to client losses, or whose clients used their brokerage accounts to engage in illegal activity, including money-laundering.
- Private equity, hedge fund and financial institutions in connection with investigations into violations of Foreign Corrupt Practices Act (FCPA), anti-money laundering laws (AML), and the regulations promulgated by the Office of Foreign Asset Controls (OFAC).
- Institutional and individual clients in public corruption investigations into high government officials.
- Clients who have received subpoenas in congressional investigations.
- Individuals and businesses who have been prosecuted or investigated for violations of federal and state tax law, including a taxpayer who was prosecuted in federal and state court for having an undisclosed offshore bank account and an executive of a tax-exempt organization who was investigated for receipt of excess benefits.
- Claimants in a multi-million dollar civil forfeiture action, and the representation of major investors in Bernard L. Madoff Investment Securities LLC in the recent investigation conducted by prosecutors and regulators.

Mr. Sandick has extensive experience in leading internal investigations for institutional clients, including hedge funds, private equity portfolio companies, and tax-exempt organizations, where the client believes that there has been misconduct by company personnel. Some of these matters culminate in litigation or a referral to prosecutors or regulators. In addition to leading such investigations, Mr. Sandick also has been called upon to represent individual clients in internal investigations.

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Several of Mr. Sandick's clients are the victims of financial crime. Mr. Sandick provides representation and counseling in connection with seeking restitution or other proceedings aimed at recovering stolen or defrauded assets.

Mr. Sandick also represents clients, both as plaintiffs and defendants, in complex securities and business fraud litigation, including matters involving residential mortgage-backed securities transactions. In recent years, Mr. Sandick also has represented clients who have been sued or subpoenaed due to their public advocacy on the important issue of climate change.

In addition to his white-collar practice, Mr. Sandick is a skilled and experienced appellate attorney. He has argued more than 35 appeals in both criminal and civil cases, in both federal and state court. He is regularly asked to represent clients who seek new counsel on appeal, as clients often seek a different perspective for their appeal. Mr. Sandick has also authored amicus briefs in the Supreme Court and other appellate courts for clients who wish to make their voices heard in connection with an important appeal. He is a member of the Criminal Justice Act panel for the U.S. Court of Appeals for the Second Circuit and has won several reversals for convicted and sentenced defendants.

Prior to joining the Firm, Mr. Sandick served as an Assistant U.S. Attorney in the Criminal Division of the U.S. Attorney's Office for the Southern District of New York. During his nearly six years as a federal prosecutor, Mr. Sandick prosecuted a wide range of federal crimes, including financial fraud cases, acting as lead counsel in 12 trials and more than 20 appeals. He served as Deputy Chief for Criminal Appeals, supervising more than 80 appeals before the United States Court of Appeals for the Second Circuit, and as Acting Chief of the Violent Crimes Unit. Mr. Sandick oversaw matters involving securities fraud, business crimes, obstruction of justice, RICO, drug trafficking and terrorism issues. He successfully argued 19 appeals before the Second Circuit.

A frequent speaker and writer on white collar, appellate, sentencing, and financial fraud topics, Mr. Sandick has contributed articles to *New York Law Journal*, *Forbes.com*, the *BNA White Collar Crime Reporter*, *Inside Counsel*, *Law360* and many industry publications. He is also co-author of a chapter on pretrial representation in a leading treatise, "Defending Federal Criminal Cases." Mr. Sandick is often called on for commentary in high-profile white collar cases and his quotes have appeared in the *Associated Press*, *The New York Times*, *The Wall Street Journal*, *Sports Illustrated*, *ESPN* and *BNA White Collar Crime Report*, among others. He is also the editor-in-chief for the [Second Circuit Criminal Law Blog](#), which provides commentary and analysis of every criminal law decision rendered by the U.S. Court of Appeals for the Second Circuit.

Following law school graduation, Mr. Sandick clerked for the Hon. Richard J. Cardamone of the U.S. Court of Appeals for the Second Circuit.

Education

- Harvard Law School (J.D., *cum laude*, 1995)
 - Editor-in-Chief, *Harvard Human Rights Journal*
 - Research Director, Harvard Legal Aid Bureau
- University of Pennsylvania (B.A., *magna cum laude*, 1992)
 - Phi Beta Kappa
 - Benjamin Franklin Scholar
 - University Scholar

Admissions

- United States Supreme Court
- U.S. Court of Appeals, Second Circuit; Fourth Circuit
- U.S. District Court, Southern, Eastern and Northern Districts of New York, District of Connecticut, Northern District of Illinois
- New York

Professional Activities

New York City Bar Association (Secretary, Committee on Pro Bono and Legal Services (1997–2000), Professional Responsibility Committee (2008–2011), Federal Courts Committee (2017-present)); New York State Bar Association (Section on Federal and Commercial Litigation, 2006–2012), (Committee on White Collar Criminal Litigation, 2006–2012), (Chair, Subcommittee on Sentencing, 2008-2012); New York American Inn of Court (2004–2016), (Program Chair, 2014-2016), (White Collar Crime Team Co-Leader, 2007-2013); Adjunct Professor, New York Law School (2009-2011) (Criminal Procedure: Sentencing); New York Crime Commission, Lawyers Council (2012-present)

SPEAKING ENGAGEMENTS: Presenter, "Annual Post-Conviction Capital Defense Training Program," New York City Bar Association CLE Program (July 25, 2017); Moderator, "Criminal History, Role and Recidivism," Twenty-Sixth Annual National Seminar on Federal Sentencing (June 30, 2017); Moderator, "View from In-House Counsel – How to Perform a Risk Assessment on Potential False Claims Complaints," The American Conference Institute's *3rd Annual Executive Forum on False Claims & Qui Tam Enforcement* (January 21, 2016); Moderator, "A Judicial Panel Discussion on Commercial Litigation: 'What Makes a Great Commercial Court?'" New York American Inn of Court (May 27, 2015); Presenter, "Insider Trading Liability After *United States v. Newman*," West LegalEdcenter Webcast (February 10, 2015); Presenter, "The ABC's of AML: An Introduction to the Law of Anti-Money Laundering," Association of Corporate Counsel Webcast (February 14, 2014); Moderator, "The Future of the Foreign Corrupt Practices Act," New York Inn of Court (September 12, 2012); Presenter, "Unconventional Investigative Techniques in White Collar Cases," PLI's *White Collar Crime 2011 Conference* (October 3, 2011); Moderator, "Financial Penalties and Victims' Rights In White Collar Cases," New York State Bar Association, Commercial and Federal Litigation Section (November 4, 2009); Moderator, "Federal Sentencing In White Collar Cases: Expanded Judicial Discretion or Business As Usual," New York State Bar Association, Commercial and Federal Litigation Section (June 4, 2008); Panelist, "Civil and Criminal Tax Penalties," ABA Section of Taxation, 2008 Mid-Year Meeting (January 19, 2008)

Publications

- "[How Cos. Can Take Advantage Of DOJ False Claims Act Memo](#)," *Law360*, January 26, 2018 (co-author)
- "[In Rare Ruling Vacating Sentence as Procedurally, Substantively Unreasonable, Second Circuit Expounds on the Role of Mercy](#)," Bloomberg BNA's *White Collar Crime Report*, January 10, 2018 (co-author)
- "[Ganek v. Leibowitz and a Proposal to Reform Search Warrant Procedure](#)," Law Journal Newsletters *Business Crimes Bulletin*, January 3, 2018 (co-author)
- "[Newman's 'Meaningfully Close Personal Relationship' Requirement No Longer Good Law](#)," Bloomberg BNA's *White Collar Crime Report*, September 29, 2017 (co-author)
- "[Silver Conviction Vacated Due to Jury Instructions](#)," Bloomberg BNA's *White Collar Crime Report*, July 21, 2017 (co-author)

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- "[SCOTUS to Decide if Cell Site Location Is Protected by Fourth Amendment](#)," *New York Law Journal*, July 10, 2017 (co-author)
- "[Supreme Court Unanimously Holds SEC Disgorgement Is Subject to Five-Year Limitations Period](#)," Bloomberg BNA's *White Collar Crime Report*, June 9, 2017 (co-author)
- "[High Court Puts An End To Unfair Asset Forfeiture](#)," *Law360*, June 8, 2017 (co-author)
- "[Second Circuit Vacates Child Pornography Sentence as Substantively Unreasonable and Provides a Road Map for Financial Fraud Defendants](#)," Bloomberg BNA's *Criminal Law Reporter*, May 3, 2017 (co-author)
- "[Problems In High Court Ruling On Restitution Appeals](#)," *Law360*, April 21, 2017 (co-author)
- "[Supreme Court in *Salman* Says: 'This One Is Easy.' Reaffirming *Dirks* and Rejecting *Newman*](#)," Bloomberg BNA's *The United States Law Week*, December, 15 2016 (co-author)
- "[Second Circuit Clarifies Scope Of Proffer Agreement Waivers](#)," *New York Law Journal*, November 29, 2016 (co-author)
- "[Rowland Conviction Rests on Expansive Interpretation of Sarbanes-Oxley](#)," *New York Law Journal*, July 1, 2016 (co-author)
- "[Supreme Court: Criminal Defendants Can Use Their Own Funds to Hire Counsel](#)," Bloomberg BNA's *Criminal Law Reporter*, May 4, 2016 (co-author)
- "[2nd Circ. Lays Out New Rules For Restitution](#)," *Law360*, February 23, 2015 (co-author)
- "[2015 Proposed Amendments to Fraud Sentencing Guidelines: A Good Start](#)," *New York Law Journal*, January 29, 2015 (co-author)
- "[A 1st Look At Potential Reach Of 2nd Circ. Newman Decision](#)," *Law360*, January 28, 2015 (co-author)
- "[Search Warrants in White-Collar Crime Cases](#)," *The Review of Securities and Commodities Regulation*, June 20, 2012
- "The Statutory Background," *Insider Trading Law and Compliance Answer Book* (Practising Law Institute, 2011)
- "Representation Prior to Indictment," *Defending Federal Criminal Cases: Attacking the Government's Proof* (Law Journal Press, 2009) (co-author)
- "Divided Supreme Court Extends Reach of Confrontation Clause," *New York Law Journal*, July 20, 2009 (co-author)
- "'Amato': Second Circuit Recognizes Costs of Being Victim," *New York Law Journal*, Sept. 18, 2008
- "Ninth Circuit OKs Coordinated Civil/Criminal Probes," *New York Law Journal*, April 16, 2008 (co-author)
- "[Gall and Kimbrough and Their Relevance to Sentencing in White-Collar Cases](#)," *Federal Sentencing Reporter*, February 2008
- "Decisions in *Gall*, *Kimbrough* Signal Enhanced Judicial Discretion in Sentencing," *BNA White Collar Crime Report*, Jan. 4, 2008

In the Media

Harry Sandick is frequently quoted in the press on white collar cases and other related matters. Recent quotes have appeared in:

- *Law360*, "[Attys React To DOJ's New Memo On FCA Dismissals](#)" (January 25, 2018)
- *Law360*, "[White Collar Cases to Watch in 2018](#)" (January 1, 2018)
- *American Banker*, "[Time to address banks' skepticism about data sharing](#)" (December 5, 2017)

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- *Bloomberg BNA's White Collar Crime Report*, "[SCOTUS Spars Over Mobile Phone Data in Blockbuster Case](#)" (November 30, 2017)
- *Detroit News*, "[High court could limit police in digital privacy case](#)" (November 29, 2017)
- *Law360*, "[Russia Probe Charges Show Mueller In Dive Bomb Mode](#)" (October 30, 2017)
- *Business Insurance*, "[Insider Trading Ruling Expands Liability](#)" (October 2, 2017)
- *Law360*, "[Skelos Ruling Adds Piece To Post-McDonnell Puzzle](#)" (September 27, 2017)
- *Courthouse News Service*, "[NY Senator Faces Retrial After Corruption Conviction Upended](#)" (September 26, 2017)
- *Business Insurance*, "[Prosecuting insider trading charges could be easier after appeals court ruling](#)" (September 5, 2017)
- *New York Law Journal*, "[Attorneys Say 'Martoma' Does Little to Settle Insider Trading Concerns](#)" (August 25, 2017)
- *Opalesque*, "[Comment: Court may revisit insider trading issue after Martoma appeal was upheld](#)" (August 25, 2017)
- *Law360*, "[2nd Circ. Ends Newman Relationship Test, But For How Long?](#)" (August 23, 2017)
- *Law360*, "[Insider Trading Case Aided By New Tech, Hobbled By Newman](#)" (August 17, 2017)
- *The New York Times*, "[Lawmakers Facing Corruption Charges See Hope in Court Ruling](#)" (August 12, 2017)
- *Law360*, "[2nd Circ. Suggests Some 'Official Acts' Not Worth Charging](#)" (July 17, 2017)
- *Compliance Week*, "[Five-year limit placed on SEC disgorgement penalties](#)" (June 13, 2017)
- *Law360*, "[Ex-Trader To Start 2nd Trial Over \\$2.26M RMBS Fraud](#)" (January 4, 2017)
- *Law360*, "[White Collar Cases To Watch in 2017](#)" (January 2, 2017)
- *The Washington Post*, "[Environmental groups reject Rep. Lamar Smith's request for information on ExxonMobil climate case](#)" (June 1, 2016)
- *The New York Times*, "[Richard Cardamone, Judge, Dies at 90; Doomed Westway Project in Manhattan](#)" (October 23, 2015)
- *The Wall Street Journal*, "[How a Former Executive Went Undercover for Prosecutors: Investigation Tactics Get Tougher for White-Collar Crimes](#)" (March 24, 2014)
- *The Wall Street Journal*, "[Rift With Strauss-Kahn's Accuser Puts Prosecutors' Next Move in Doubt](#)" (July 9, 2011)
- *New York Daily News*, "[Andy Pettitte to be star witness in Roger Clemens' suit vs. Brian McNamee](#)" (February 18, 2008)