



Jay Darden

Partner, Litigation Department

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John S. (Jay) Darden is a partner in the Investigations and White Collar Defense practice at Paul Hastings, and is based in the firm's Washington, D.C. office. Mr. Darden defends companies and individuals in white-collar criminal matters and government investigations.

Mr. Darden has practiced law for over 20 years, both as a federal prosecutor and as a defense attorney. His practice has been recognized in ***Chambers and Partners***, and he has been named as a Washington, DC "Super Lawyer."

Over the last several years, Mr. Darden's practice has focused on conducting internal investigations and defending companies and individuals under the U.S. Foreign Corrupt Practices Act (FCPA). Mr. Darden's FCPA representations are numerous, and include U.S.-based and overseas clients in diverse industries such as petrochemicals, infrastructure projects, pharma, medical devices, oil field services, professional services, the food and beverage industry, overseas government contractors, and U.S.-based institutions of higher education with operations overseas.

Although many of these matters are confidential, others are public. For example, Mr. Darden represented Braskem S.A. (Brazil) in its successful resolution of investigations by the U.S. Department of Justice (DOJ) and the U.S. Securities & Exchange Commission (SEC). Based in large part on the Firm's work for Braskem, Paul Hastings has won numerous legal industry awards, including "2017's Most Impressive Investigations Practice of the Year" by ***Global Investigations Review*** and "Global Dispute of the Year--Investigations" for Latin America by ***The American Lawyer***.

Mr. Darden also represented Alstom SA (France) in its plea agreement to FCPA violations for conduct in numerous countries, which remains one of the most significant criminal resolutions in the history of the FCPA statute.

Most recently, Mr. Darden represented TechnipFMC plc (UK) in its joint civil and criminal resolution with U.S. and Brazilian authorities, which was the first

Washington, D.C.

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Practice Areas

Anti-corruption and FCPA
Investigations and White
Collar Defense

Litigation

Life Sciences and Healthcare

Admissions

District of Columbia Bar

Georgia Bar

Education

University of Virginia, School
of Law, J.D. 1999

Washington and Lee
University, B.A. 1993

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simultaneous resolution involving U.S. authorities and the Brazilian Ministério Público Federal (“MPF”), the Controladoria-Geral da União (“CGU”), and the Advocacia-Geral da União (“AGU”). Following the representation of TechnipFMC, Paul Hastings was nominated again by **GIR** as “Most Impressive Investigations Practice of the Year.”

In addition to defending companies in investigations, Mr. Darden counsels companies that are undergoing anti-corruption compliance monitorships as part of their FCPA resolutions with U.S. authorities. Mr. Darden also counsels companies on issues that often flow from large government resolutions, such as negotiations with outside auditors.

Mr. Darden’s non-FCPA clients are typically the targets of high-profile, Washington-based investigations. Examples include U.S. government contractors and health care providers accused of submitting false claims, a news reporter subpoenaed for the identities of his confidential sources, a congressional campaign committee who was defrauded by its former treasurer, and a political consultant accused of defrauding a gubernatorial campaign. He routinely represents high-level executives and high-net-worth individuals under investigation by the government in FCPA, health care, export controls, false statement, and other white collar matters.

As a prosecutor, Mr. Darden served in the Justice Department as Assistant Chief of the Criminal Division’s Fraud Section. In addition to FCPA, bank fraud, insurance fraud, money laundering, and false statement matters, as a prosecutor Mr. Darden supervised the nation-wide investigation and prosecution of health care fraud and anti-kickback violations. As a prosecutor, Mr. Darden received the Attorney General’s Award for Distinguished Service, which is the second-highest award given by the Justice Department

Mr. Darden has significant experience handling all aspects of federal criminal trial work. During his time at the Justice Department, he became one of only a handful of federal prosecutors to have tried multiple health care fraud cases to verdict in multiple districts, including Miami, Houston, and Los Angeles. In addition, he trained prosecutors and agents in health care fraud and abuse matters at the Justice Department’s National Advocacy Center.

Prior to attending law school, Mr. Darden worked on Capitol Hill as an aide to former U.S. Senator Sam Nunn of Georgia.

Recent Representations

In Private Practice

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- Co-lead counsel in defense of publicly-traded Brazilian petrochemical company in FCPA under investigation by the DOJ and SEC for FCPA violations in Brazil
- Lead counsel conducting an internal investigation for a non-public company into possible FCPA violations in Malaysia and Thailand.
- Lead counsel representing current and former executives of a publicly-traded medical device company under investigation by the DOJ and SEC for possible FCPA violations in Mexico.
- Lead counsel representing a medical device company under investigation by the DOJ and SEC for possible FCPA violations in Brazil.
- Lead counsel representing a private U.S. company under investigation by the DOJ for possible FCPA violations in Afghanistan.
- Lead counsel conducting an internal investigation for a public company into possible FCPA violations in Qatar.
- Co-counsel representing a non-U.S. company under investigation by the DOJ for possible FCPA violations in multiple countries, including Saudi Arabia and Taiwan.
- Provided FCPA compliance advice to public and private companies and other institutions, including drafting compliance policies and giving training to senior management.
- Co-lead counsel representing a company under investigation for alleged violations of the False Claims Act.
- Co-lead counsel representing the board of directors of a hospice company under investigation for alleged violations of the False Claims Act.
- Lead counsel representing a current executive of a pharmaceutical company under investigation for alleged violations of the False Claims Act based on kickbacks and off-label marketing.
- Lead counsel representing a former executive of a hospital company under investigation for alleged violations of the False Claims Act.
- Lead counsel representing current and former executives of a dialysis company under investigation for alleged violations of the False Claims Act.
- Co-counsel in defense of a hospital and physicians in a federal civil False Claims Act case alleging fraudulent Medicare billings and whistleblower retaliation, resulting in a settlement with relators and the DOJ's Civil Division.
- Lead counsel representing a reporter subpoenaed by the DOJ for testimony and documents identifying confidential sources.
- Co-lead counsel representing a congressional campaign committee in connection with the DOJ's and the Federal Elections Commission's (FEC) investigations of embezzlement by a former campaign treasurer.
- Co-counsel representing a member of Congress in an investigation by the Office of Congressional Ethics (OCE).

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- Co-counsel in defense of a former controller of a publicly-traded company in an accounting and securities fraud investigation resulting in a favorable settlement with the SEC after Wells submissions.
- Co-trial counsel in a civil fraud and conspiracy action against corporate and individual defendants resulting in an \$8 million jury verdict in favor of client.

In Government

- Lead and co-lead trial counsel in multiple health care fraud trials in Miami, Los Angeles, and Houston.
- Lead prosecutor in Medicare Fraud Strike Force take-downs of over 45 health care fraud defendants, and in charge of supervising investigations, grand jury presentations, plea negotiations, and trials.
- Lead counsel in an investigation of nationwide anti-kickback violations by the sales force of a public pharmaceutical company.
- Lead counsel in the prosecution of worldwide FCPA violations by a non-U.S. company resulting in corporate deferred prosecution agreements, corporate guilty pleas, combined criminal and civil penalties of \$185 million, and a three-year monitorship of the parent company's FCPA compliance program and related internal controls, and books and records.
- Co-lead counsel in an investigation of allegations of fraud in connection with post-disaster claims under the National Flood Insurance Program.
- Co-counsel in an investigation of allegations of FCPA violations by a non-U.S. based company, working with the United Kingdom's Serious Fraud Office.

Speaking Engagements and Publications

Mr. Darden is a frequent writer and speaker on white-collar issues. Recent speaking engagements and articles include:

- "The Prosecutor's Perspective: Interactive Compliance Seminar," International Anti-Corruption Academy (June 2019)
- "Anti-Corruption Panel Discussion," ABA International Section Conference (Apr. 2019)
- "Financial Crimes," International Law Institute (Nov. 2018)
- "FCPA Professor" Podcast (Feb. 2017)
- ABA International Anti-Corruption Committee Meeting (Feb. 2017)
- "Compliance and Internal Investigations International Meeting," American Chamber of Commerce and WA Advogados/Sao Paulo (Dec. 2016)
- "Global Forum on Anti-Corruption Compliance in High Risk Markets," ACI (July 2016)
- Latin American Energy and Infrastructure Finance Forum (Mar. 2016)
- "Corruption Risks & Enforcing the FCPA in Emerging Markets," Bank of

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America/Merrill Lynch Annual Emerging Markets Corporate Conference, May 2015

- “Settling Your Case Without Risking Debarment and Exclusion from Federal Healthcare Programs,” ACI’s 9th Advanced Forum on FCPA & Anti-Corruption for the Life Sciences Industry, April 2015
- “Negotiating a Criminal Settlement in a Health Care Case,” Bloomberg BNA, February 2013
- “Credit for self-disclosure and cooperation in corporate criminal FCPA cases,” Financier Worldwide, February 2011

Professional and Community Involvement

- Past member, Law360 White Collar Editorial Advisory Board, 2012-2013

Education

- University of Virginia School of Law, J.D., 1999 (Managing Editor of the Virginia Law Review)
- Washington and Lee University, B.A. in Politics, cum laude, 1993

News

May 01, 2019

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2019

December 15, 2017

Paul Hastings Wins Financial Times’ Business of Law Award for Managing and Developing Talent

October 31, 2017

Paul Hastings Investigations and White Collar Defense Practice Named Most Impressive Investigations Practice by Leading Industry Publication Global Investigations Review

July 11, 2016

Paul Hastings Continues White Collar Expansion with Addition of SEC Enforcement Partners

February 23, 2015

Paul Hastings Continues White Collar Expansion with Addition of High-Profile Washington, D.C. Partner Group

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Insights

October 24, 2016

DOJ Voluntary Disclosure Guidance Signals Expanded Role in Export Control & Sanctions Investigations

Rankings & Awards

October 24, 2019

Recognized in the Global Investigations Review's GIR 100 for 2019

April 26, 2019

Recognized by Chambers USA 2019

November 02, 2018

Recognized in the Global Investigations Review's GIR 100 for 2018

December 11, 2017

Recognized by the Financial Times' for Innovation in Litigation and Disputes

October 27, 2017

Recognized in the Global Investigations Review's GIR 100 for 2017

October 26, 2017

Recognized as Global Investigations Review's Most Impressive Investigations Practice

September 25, 2017

Recognized by The American Lawyer for the Global Dispute of the Year: Investigations (Latin America)

September 29, 2016

Recognized in the Global Investigations Review's GIR 100 for 2016

August 22, 2016

Ranked by Global Investigations Review's coverage of Washington DC's FCPA Bar

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September 18, 2015

Recognized in the Global Investigations Review's GIR 100 for 2015