

**Thomas A. Hanusik**

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Practice Areas

- White Collar & Regulatory Enforcement

Tom Hanusik is a partner in Crowell & Moring's White Collar & Regulatory Enforcement Group. He defends companies and individuals in complex civil and criminal white collar investigations and SEC enforcement matters. Tom also leads teams conducting internal investigations for corporate clients, and he represents a significant number of companies, senior executives, board members and politicians in the midst of government and internal investigations. In addition, he advises clients on remedial measures and compliance programs. In 2007, *InsideCounsel* magazine named Tom one of the "The Best Lawyers to Call in a Worst-Case Scenario" for a white collar investigation in its "Crisis Rolodex." He has also been recognized in *The Best Lawyers In America* in 2008 through 2012 in the area of White-Collar Criminal Defense.

Tom's recent representations include:

- publicly traded and privately held companies undergoing internal, SEC and DOJ investigations concerning allegations of Foreign Corrupt Practices Act ("FCPA") violations, including conducting internal investigations, self-reporting, responding to government requests, defending clients under investigation, and negotiating resolutions;
- senior executives at publicly traded financial institutions and mortgage securitization companies in connection with SEC and DOJ investigations regarding the subprime crisis;
- registered investment advisers undergoing SEC-OCIE examinations and responding to deficiency letters;
- a CFO in litigation with the SEC's Division of Enforcement concerning alleged disclosure violations under the '34 Act;
- several CEOs, Board members and senior executives in the midst of internal, SEC and DOJ investigations concerning allegations of FCPA violations;

- publicly traded companies and board members responding to FINRA inquiries concerning potential insider trading;
- board members and outside counsel responding to SEC inquiries concerning potential insider trading;
- numerous senior executives of several publicly-traded companies in SEC accounting fraud-revenue recognition investigations;
- a senior executive of an international energy company in connection with an investigation of alleged commodities fraud by the DOJ and CFTC; and
- a Registered Representative in connection with a market manipulation investigation by the SEC's Division of Enforcement.

Tom joined Crowell & Moring after almost 12 years at the DOJ and SEC. When he left the DOJ, Tom was an Assistant Chief in the Justice Department's Criminal Division, Fraud Section, where he served previously as Senior Counsel for Securities Fraud and as a Trial Attorney. Prior to joining the Justice Department, Tom was Senior Counsel in the SEC's Division of Enforcement.

In 2002, Tom was asked to be one of the original six prosecutors on the Enron Task Force, where he worked with the SEC and agents from the FBI and Internal Revenue Service to investigate Enron's collapse. While serving on the Enron Task Force, Tom investigated and prosecuted a number of Enron executives, including the first Enron executive convicted of illegally abusing Enron's off-balance sheet partnerships and others convicted of fraud, insider trading, and tax violations. He also spearheaded the investigation that resulted in the first convictions of outside investment bankers accused of co-scheming with Enron executives.

Throughout his career at both the DOJ and SEC, Tom led, supervised, and coordinated a number of parallel criminal grand jury and civil law enforcement investigations. Tom was a member of the inter-agency Securities and Commodities Fraud Working Group at the Justice Department and he was active in the Department's corporate fraud initiative, having successfully prosecuted a number of high-ranking corporate executives who were involved in financial fraud schemes. Tom has also participated in the negotiation of corporate-level dispositions on behalf of the government, including civil injunctive actions and cease-and-desist proceedings, and criminal deferred-prosecution and non-prosecution agreements.

During 2005, Tom led the Justice Department's prosecution team investigating the abuse of finite reinsurance products in the insurance industry and prosecuted a number of high-ranking insurance company executives. In addition to securities and commodities fraud, Tom prosecuted criminal and civil cases involving conspiracy, bank fraud, insider trading, money laundering, counterfeiting, identity theft, social security fraud and

education loan fraud. He has extensive experience initiating extradition requests, gathering foreign evidence, and investigating alleged violations of the Foreign Corrupt Practices Act.

In 2004, the Criminal Division recognized Tom for his outstanding work on the Enterasys corporate fraud case by awarding him the Assistant Attorney General's Award for Financial Integrity, an award created to recognize superior achievement in supporting the strategic goals and priorities of the Justice Department.

In 2003, Tom received letters of commendation from both the Attorney General and the FBI Director for his work on a complex commodities fraud case that he prosecuted in tandem with the Commodity Futures Trading Commission. Tom received numerous Special Achievement Awards and Meritorious Awards for exemplary service while serving at the Justice Department and an Award for Public Service from the United States Attorney for the Eastern District of Virginia. Tom writes and lectures frequently on topics ranging from Sarbanes-Oxley to government investigations and effective compliance programs. His audiences include diverse groups such as the Association of Corporate Counsel, the Ethics Resource Center, the North American Securities Administrators Association and the Federal Bar Association. He has taught prosecutors and agents at the Justice Department's National Advocacy Center, the FBI Academy at Quantico, and the Postal Inspectors' Annual Fraud Training Conference.

Tom is active in the American Bar Association, where he is a member of the White Collar Committee, the Criminal Justice Section and Parallel Proceedings Task Force, and co-chairs the Securities and Commodities Fraud Subcommittee, the Upjohn Warnings Task Force and the National Institute on Securities Fraud. He is a Barrister in the Edward Bennett Williams Inn of Court in Washington, DC.

Education

- Fordham University , A.B. (1986)
- Duke University School of Law, J.D. (1990)

Affiliations

Admitted to practice: District of Columbia, New York, U.S. Court of Appeals for the District of Columbia Circuit

Publications

- "Is Civil Loss Causation Applicable to Federal Criminal Sentencings?" *BNA's Securities Regulation & Law Report* (January 16, 2012). Co-Authors: Thomas A. Hanusik and Rebecca C. Baden.
- "Upjohn Warnings: Recommended Best Practices When Corporate Counsel Interacts with Corporate Employees," American Bar Association Publications (July 2009). Co-Author: Thomas A. Hanusik, with members of Upjohn Warnings Task Force.
- "Averse to Adverse Inferences? Rethinking the Scope Of the Fifth Amendment Protections in SEC Proceedings," *BNA's Securities Regulation & Law Report* (March 2009). Author: Thomas A. Hanusik.
- "I Don't Live in the United States, So How Can the SEC Sue Me? SEC Actions against a Foreign National Living Outside the United States," *Bloomberg Securities Law Report* (September 2008). Contributed by: Thomas A. Hanusik and Traci L. Rodriguez.
- "Stay Firm on the Privilege: Despite Calls for Selective Waivers, Traditional Principles Still Have Merit," *Legal Times*, Vol. XXX, No. 33 (August 13, 2007). Co-Author: Thomas A. Hanusik and Philip T. Inglima.
- "Sarbanes-Oxley: Broader Statutes, Bigger Penalties," *Securities & Commodities Regulation*, Vol. 39, No. 17 (October 4, 2006). Author: Thomas A. Hanusik.

Alerts & Newsletters

- "UK Bribery Act – Ready or Not, Here It Comes," *White Collar Alert* (June 30, 2011). Contacts: Gerallt Owen, Janet Levine, Thomas A. Hanusik, Alan W. H. Gourley, Kelly T. Currie, Daniel L. Zelenko, Femi Dekalu-Thomas, Simi Kaur Grewal.
- "Ineffective Insider Traders Avoid Double Whammy of a Failed Trade and Civil Penalties," *White Collar Alert* (June 14, 2011). Contacts: Daniel L. Zelenko, Thomas A. Hanusik, Shamiso Maswoswe.
- "The New Bounty Hunters: Congress Creates New Incentives to Report Securities and Commodities Fraud," *White Collar Alert* (July 15, 2010). Contacts: Michael W. Lieberman, Thomas A. Hanusik, Daniel L. Zelenko.
- "Sarbanes-Oxley Survives but Supreme Court Bolsters Discretion to Remove PCAOB Members," *White Collar Alert* (June 30, 2010). Contacts: Daniel L. Zelenko, Melanie Natasha Henry, Thomas A. Hanusik.

- "DOJ Allows Hiring of Foreign Official under the FCPA," *White Collar Alert* (April 23, 2010). Contacts: Thomas A. Hanusik, Alan W. H. Gourley, Janet Levine, Daniel L. Zelenko, Martinique Busino.
- "Take Two -- Charging The Bribe Recipient," *White Collar Alert* (January 25, 2010). Contacts: Thomas A. Hanusik, Janet Levine, Alan W. H. Gourley.
- "President Creates Interagency Financial Fraud Enforcement Task Force," *White Collar Alert* (November 19, 2009). Contacts: Janet Levine, Thomas A. Hanusik, Daniel L. Zelenko.
- "Pushing the Envelope on Insider Trading," *White Collar Alert* (July 23, 2009). Contacts: Thomas A. Hanusik, Daniel L. Zelenko, Justin P. Murphy.
- "Decision Could Limit Work Product Protection for Cooperating Companies," *White Collar Alert* (July 13, 2009). Contacts: Thomas A. Hanusik, Stephen M. Byers, Ann Mason Rigby.
- "Aiding and Abetting SEC Violations Limited by the First Circuit," *White Collar Alert* (February 17, 2009). Contact: Thomas A. Hanusik.
- "Private Right of Action under the FCPA? Risks increase as litigants increasingly use foreign bribery allegations as predicate acts in U.S. civil tort cases.," *White Collar Alert* (October 29, 2008). Contacts: Alan W. H. Gourley, Thomas A. Hanusik, Aryeh S. Portnoy, Carrie F. Fletcher.
- "FCPA Enforcement Update – DOJ Arrests Four Individuals for Bribery Activities in Vietnam," *International Trade Bulletin* (September 10, 2008). Contacts: Alan W. H. Gourley, Thomas A. Hanusik, Aryeh S. Portnoy, Carrie F. Fletcher.
- "FCPA Enforcement Update – DOJ Arrests Four Individuals for Bribery Activities in Vietnam," *White Collar Alert* (September 10, 2008). Contacts: Alan W. H. Gourley, Thomas A. Hanusik, Aryeh S. Portnoy, Carrie F. Fletcher.
- "Tis the Season to Give Gifts or Is It?," *White Collar Alert* (January 2, 2008). Contacts: Alan W. H. Gourley, Thomas A. Hanusik, Aryeh S. Portnoy.
- "FCPA's Ever-Expanding Reach Goes Private," *White Collar Alert* (December 19, 2007). Contacts: Aryeh S. Portnoy, Thomas A. Hanusik, Alan W. H. Gourley.
- "SEC Settlement Highlights Risks for Corporate Executives Under the FCPA," *White Collar Alert* (December 14, 2007). Contacts: Aryeh S. Portnoy, Thomas A. Hanusik, Alan W. H. Gourley.
- "SEC Ramps Up Hedge Fund Enforcement," *White Collar Alert* (August 3, 2007). Contacts: Thomas A. Hanusik, Justin P. Murphy.
- "DOJ Makes Good On Promise To Prosecute Individuals For FCPA Violations," *White Collar Alert* (July 27, 2007). Contacts: Alan W. H. Gourley, Thomas A. Hanusik, Aryeh S. Portnoy, John L. Murino.

- "Record \$44 Million Settlement for FCPA Violations ," *White Collar Alert* (April 27, 2007). Contacts: Alan W. H. Gourley, Thomas A. Hanusik, Aryeh S. Portnoy, John L. Murino.
- "Grand Jury Returns Second FCPA Indictment of Former Alcatel Executives," *White Collar Alert* (March 21, 2007). Contacts: Aryeh S. Portnoy, Thomas A. Hanusik, Alan W. H. Gourley.
- "Department Of Justice Issues Updated Guidelines For Corporate Prosecution," *Government Contracts Bullet Points* (December 27, 2006). Contacts: Thomas A. Hanusik, Philip T. Inglima, Aryeh S. Portnoy.
- "Department of Justice Supersedes Thompson Memorandum," *White Collar Alert* (December 13, 2006). Contacts: Thomas A. Hanusik, Philip T. Inglima, Aryeh S. Portnoy.
- "Uncle Sam Stretches Its Long Arm to Enforce The Foreign Corrupt Practices Act," *White Collar Alert* (October 16, 2006). Contacts: Alan W. H. Gourley, Thomas A. Hanusik, Philip T. Inglima.
- "Proposed Rules of Evidence Amendment," *White Collar Alert* (July 25, 2006). Contacts: Richard L. Beizer, Philip T. Inglima, Thomas A. Hanusik.
- "DOJ Rebuked on Limitation of Legal Fee Coverage," *White Collar Alert* (June 29, 2006). Contacts: Philip T. Inglima, Thomas A. Hanusik.

Speaking Engagements

- "Developments, Trends, Expectations in Securities Fraud Investigations and Prosecutions," 6th Annual Institute on Securities Fraud, New Orleans, LA (November 3-4, 2011). Moderator: Thomas A. Hanusik.
- "The UK Bribery Act and Foreign Corrupt Practices Act: What US Companies Need to Know," Crowell & Moring Breakfast Briefing, New York, NY (September 21, 2011). Co-Speakers: Gerallt Owen and Thomas A. Hanusik.
- "Commencing the Investigation: Considerations at the Outset," Internal Investigations 2011: Investigations in the Aftermath of Dodd-Frank, Practising Law Institute, New York, NY (June 28, 2011). Presenter: Thomas A. Hanusik.
- "Plenary Session: Developments, Trends and Expectations in Securities Fraud Investigations and Prosecutions," ABA's Fifth Annual National Institute on Securities Fraud, New Orleans, LA (October 7, 2010). Moderator: Thomas A. Hanusik.
- "Plenary Session: Developments, Trends and Expectations in Securities Fraud Investigations and Prosecutions," ABA's Fourth Annual National Institute on Securities Fraud, Washington, DC (October 15, 2009). Moderator: Thomas A. Hanusik.
- "Litigation & White Collar Crime Corporate Special Investigations," AICPA National Forensic Accounting Conference 2009, Orlando, FL (September 23, 2009). Panelist: Thomas A. Hanusik.

- "Developing and Growing Your Niche Litigation Practice," AICPA National Forensic Accounting Conference 2009, Orlando, FL (September 23, 2009). Panelist: Thomas A. Hanusik.
- "Webinar: The FCPA in India," United States India Business Council (June 2009). Presenter: Thomas A. Hanusik.
- "Government Investigations Luncheon Speaker," FIOS VA, Tyson's Corner, VA (June 18, 2009). Presenter: Thomas A. Hanusik.
- "Survival Skills for Global Legal Practitioners," International Bar Association, 12th Transnational Crime Conference, New York, NY (June 12, 2009). Panelist: Thomas A. Hanusik.
- "Securities Enforcement," ABA's 23rd Annual National Institute on White Collar Crime, San Francisco, CA (March 5, 2009). Panelist: Thomas A. Hanusik.
- "Credit Default Swaps: Exploring the Controversy," Crowell & Moring Litigation & Bankruptcy Webinar (November 20, 2008). Co-Presenters: Thomas A. Hanusik and William J. McSherry Jr.
- "Plenary Session: Developments, Trends and Expectations in Securities Fraud Investigations and Prosecutions," ABA's Third Annual National Institute on Securities Fraud, Washington, DC (October 2, 2008). Moderator: Thomas A. Hanusik.
- "Plenary Session: Developments, Trends and Expectations in Securities Fraud Investigations and Prosecutions," ABA's Second Annual National Institute on Securities Fraud, Washington, DC (October 25, 2007). Moderator: Thomas A. Hanusik.
- "Plenary Session: Developments, Trends and Expectations in Securities Fraud Investigations and Prosecutions," ABA's First Annual National Institute on Securities Fraud, Washington, DC (September 28, 2006). Moderator: Thomas A. Hanusik.