

## Q&A With Crowell & Moring's Janet Levine

*Law360, New York (October 18, 2010, 2:44 PM ET)* -- Janet Levine is a partner in Crowell & Moring's Los Angeles office and chairwoman of the firm's white collar and regulatory enforcement group. She is a trial and appellate attorney, with experience in fraud and public corruption matters. She is also a member of the American Bar Association's criminal justice section council and a past chairwoman of the ABA's white collar crime committee. Levine is a fellow of the American College of Trial Lawyers and is the recipient of the Charles R. English Award, presented each year by the ABA's criminal justice section to a member who has distinguished himself or herself in the field of criminal justice.

### **Q: What is the most challenging case you've worked on, and why?**

A: From 2003 until 2006, we defended Katrina Leung, who was accused of being a "double-agent" for the Chinese government while working as a "spy" for the FBI. The matter was high-profile; it was on the front page of newspapers and weekly magazines, and the subject of a "Frontline" broadcast.

In defending Ms. Leung, we dealt with novel and challenging issues, including compliance with the Classified Information Procedures Act ("CIPA") in reviewing classified documents and utilizing them in litigation, and scrutinizing search warrants executed under the Foreign Intelligence Surveillance Act and the then-new Patriot Act. We ultimately obtained a dismissal of all charges based on prosecutorial misconduct, which allowed us to negotiate a global resolution of all criminal and tax matters, no additional time in custody, and the return of most of our client's seized assets — a huge victory for Ms. Leung.

The case was challenging in the sense that the legal and procedural issues were extremely complex; the logistical arrangements in working with classified documents were incredibly daunting; the nature of the case and CIPA restrictions made our investigation of the facts very difficult; the romantic involvement of Ms. Leung with her FBI handler/codefendant created tremendous pressure on the investigators and prosecutors we were opposing; and the exceptional publicity put our every move under the microscope.

### **Q: What accomplishment as an attorney are you most proud of?**

A: I have been extraordinarily lucky to have a career filled with challenges from which I have had what I consider accomplishments. As a young lawyer at the Federal Public Defender's Office, I was lead trial counsel on two matters that ultimately reached the United States Supreme Court. I have tried and won cases. I have convinced prosecutors not to file cases against my clients and judges to suppress evidence or dismiss cases. I have negotiated dispositions favorable to my clients and fought for sentencing outcomes that benefited my clients. In each case for which I am engaged, my then-client is the most significant to me, and my successes for that client are the most significant. I cannot single out just one.

### **Q: What aspects of law in your practice area are in need of reform, and why?**

A: While not requiring reform necessarily, the new whistleblower provisions (the Dodd-Frank financial reform bill) will inevitably create substantial challenges for companies in their compliance efforts. These provisions create significant monetary incentives for an employee to act as a whistleblower and go directly to the government instead of giving the company an opportunity to remedy any potential problems from within. This can have the effect of putting a strain on a company's relationship with its employees and may require the company compliance strategy to be rethought completely. We all await some guidance from the government about how these whistleblower provisions will be implemented.

**Q: Where do you see the next wave of cases in your practice area coming from?**

A: I expect we will see increased enforcement of the Foreign Corrupt Practices Act (FCPA) across all industries and regions, with continued focus in individual prosecutions. This has resulted in new engagements, including compliance training, internal audits and representation of clients in government investigations. I also expect that financial fraud prosecutions will continue to rise, as will prosecution of trade secret/economic espionage matters.

**Q: Outside your own firm, name one lawyer who's impressed you and tell us why.**

A: In my 30 years of practice, I have been friends with and opposed many talented, ethical and hardworking lawyers — it is hard to single out just one. And I have appeared before a number of great judges. District Court Judge Florence-Marie Cooper was clearly the most impressive lawyer/judge to me. An independent woman who made her own way, she never lost her sense of proportion and was always pleasant, always hardworking and always focused on justice. She was one of the most outstanding judges to have sat on the federal bench. Judge Cooper was grateful for every part of her life, and that attitude may have impacted me more than anything else.

**Q: What advice would you give to a young lawyer interested in getting into your practice area?**

A: First and foremost is always doing excellent work. Each and every engagement is important, and there is no substitute for excellent work. Second, become knowledgeable in the area. Read the important new decisions and follow the important investigations and prosecutions — even if you don't have a case that is directly related at the time. An informed base of knowledge is key to being successful when you do have such a case. Finally, do not be afraid of a new challenge. Everything is frightening the first or second time, but it can be managed by preparation and hard work.