

White Collar MVP: Crowell & Moring's Janet Levine

By Dietrich Knauth

Law360, New York (December 12, 2012, 8:35 PM ET) -- Crowell & Moring LLP's Janet Levine successfully fended off the first Foreign Corrupt Practices Act prosecution of a corporation to go to a jury, a precedential victory that has earned her a place among Law360's White Collar MVPs.

Levine, who chairs her firm's white collar and regulatory enforcement group, also made her mark by successfully defending the chief financial officer of BCI Aircraft Leasing Inc. in a corruption case that ended in the conviction of the company and its CEO, and by dissuading the U.S. Department of Justice from pursuing criminal charges after a major, multiyear FCPA investigation.

Her biggest victory, however, was her defense of Lindsey Manufacturing Co. in the first criminal FCPA case to reach a jury. The case had been a point of pride for the DOJ after the 2011 conviction of the electric-equipment maker and its executives for allegedly bribing a Mexican state-owned utility. But Levine and co-counsel Jan Handzlik of Venable LLP, who was at Greenberg Traurig LLP at the time, led U.S. District Judge Howard Matz to vacate the convictions over prosecutorial misconduct, including withholding evidence from the defense and using false statements to obtain search warrants.

Levine said the Lindsey case was particularly challenging because of the lack of case law for FCPA prosecutions. Despite being 35 years old, the DOJ has only recently stepped up its FCPA enforcement, and the Lindsey case was the second time a corporation had challenged prosecutors at trial. Without a history of case law to fall back on, attorneys on both sides started from scratch, arguing over every issue, from jury instructions to the meaning of the statute's language.

"It was a challenge because everything was new," Levine said. "Almost every issue had to be litigated."

In the end, Levine, who represented Lindsey CFO Steven Lee, and Handzlik, who represented Lindsey and its President Keith Lindsey, convinced Judge Matz to toss the case in a blockbuster December 2011 ruling that concluded the charges had been filed "as a result of a sloppy, incomplete and notably overzealous investigation."

When Levine signed on to the case, she didn't expect it to acquire notoriety as an example of DOJ overreach, she said. Her success in the case has led to more than a few calls from other FCPA defense attorneys.

"With the rise of FCPA prosecutions, this case garnered more publicity than I might have expected it would," she said. "It's been a busy year, but I love to talk to other lawyers. I get energized by talking to people about their issues. It helps me to think about my issues. The discussion probably makes us all better lawyers down the line."

Levine also successfully defended Craig Papayanis, managing director of BCI Aircraft, against bribery and fraud charges related to a financing scheme that prosecutors said pulled in more than \$50 million from lenders and investors. In March, a jury convicted BCI Aircraft and CEO Brian Hollnagel, but remained hung on charges against Papayanis. U.S. District Judge Amy St. Eve declared a mistrial on those charges, which were dismissed.

Caroline Judge Mehta of Zuckerman Spaeder LLP, who worked alongside Levine and represented BCI Aircraft and Hollnagel, said she admired Levine's instincts, preparation and courtroom presence.

"Janet is just tenacious. She has a limitless amount of energy," Mehta said. "She's like an attack dog, but her demeanor is so pleasant that she will catch you unawares. She also understands which witnesses to go after, which ones to leave alone, [and] how to go after the ones you go after in a way that has maximum jury appeal and clearly makes [your] point."

Despite the lack of evidence against Papayanis, Levine had an uphill battle in convincing a jury to go against a government prosecution that was years in the making, all while distinguishing her client from his co-defendants without throwing the other defendants under the bus or supporting the government's theory of the case.

"Fighting that off took tons and tons and tons of work, and the result is absolutely a credit to Janet," Mehta said. "With the amount of effort the government put into this case, [Papayanis] needed a terrific defense attorney to win, and he had one. I couldn't think more highly of anybody."

Jeffrey Rutherford, who came to Crowell with Levine when their previous firm Lightfoot Vandeveld Sadowsky Crouchley Rutherford & Levine LLP joined Crowell's Los Angeles office, said Levine had always brought an intense focus to her work, making a point to lead by example and familiarize herself with all the details of her cases.

"It's clear that she loves what she does, and that gets other people excited and enthusiastic about what we do," he said.

Rutherford and Levine both worked as public defenders before entering private practice as white-collar defense attorneys, and Levine recruited Rutherford into Lightfoot Vandeveld, persuading him in part with her passion for fighting for the rights of the accused. Levine would make a perfect guest speaker for a law school class on the rights of criminal defendants, and she has held onto that conviction and energy as she takes on higher-profile work, Rutherford said.

"She's a person who makes it sound awesome to be a criminal defense lawyer," he said. "It's not the same down-and-dirty work that she was doing when she started out as a defense attorney, but she still brings that same energy and excitement to the job."

--Editing by Elizabeth Bowen.

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