



# Harry Sandick

Partner

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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.

He has been recognized by *Chambers USA* in the area of white-collar criminal defense and investigations. Clients quoted in *Chambers* praised Mr. Sandick as “*super knowledgeable and incredibly responsive*” and that he “*is a very effective and trusted counsel*”. Mr. Sandick has also been recognized as a “National Practice Area Star” and a “Litigation Star” for New York in the area of White Collar Crime by *Benchmark Litigation*.

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. In addition to representing individuals and institutions in the banking and financial services industry, he has significant experience representing tax exempt organizations and clients in the art world in regulatory, white collar, and other litigation matters.

- Investment bank personnel who have been under investigation for manipulation of LIBOR, foreign exchange currencies and other benchmark rates, insider trading or other securities fraud allegations.
- 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.
- Financial institutions, tax exempt organizations, and art market participants in connection with investigations into violations of Foreign Corrupt Practices Act (FCPA), anti-money laundering laws (AML), the regulations promulgated by the Office of Foreign Asset Controls (OFAC), and registration under the Foreign Agents Registration Act (FARA).
- Institutional and individual clients in public corruption investigations into government officials.
- Representing institutions and individuals in regulatory investigations relating to alleged antiquities trafficking.
- 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.

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.

Mr. Sandick is a frequent commentator on high-profile white collar cases. He has appeared on CNN's Erin Burnett OutFront, MSNBC's All In With Chris Hayes, and NPR's Morning Edition, and has been quoted in The New York Times, The Wall Street Journal, the Associated Press, NPR, Bloomberg, Law360, Talking Points Memo, Sports Illustrated, ESPN and BNA White Collar Crime Report, among others. A frequent speaker and writer on white collar, appellate, sentencing, and financial fraud topics, Mr. Sandick has contributed articles to New York Law Journal, Reuters, Financial Times, the BNA White Collar Crime Reporter, Law360 and many industry publications. He is co-author of a chapter on pretrial representation in a leading treatise, "Defending Federal Criminal Cases." 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.

Mr. Sandick is the Chair of the Federal Courts Committee of the New York City Bar Association, which addresses the operation of, and practice of law in, the federal courts.

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

## **Admissions**

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

## Professional Activities

The American Law Institute (2023-present); New York Council of Defense Lawyers (Member, Board of Directors, (2022-present), Member, Amicus Brief Committee (2019-present)); New York City Bar Association (Federal Courts Committee (2017-2022; Chair, 2018-2022), Professional Responsibility Committee (2008–2011), Secretary, Committee on Pro Bono and Legal Services (1997–2000)); 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); Member, Board of Editors, *Business Crimes Bulletin* (Law Journal Press) (2017-present)

SPEAKING ENGAGEMENTS: Panelist, "Hot Topics in White Collar Law," New York Council of Defense Lawyers (June 14, 2023); Panelist, "Departures and Variances," Thirty-Second Annual National Seminar on Federal Sentencing (June 1, 2023); Panelist, "What To Do When Fraud Is Found or Suspected In A Nonprofit Entity," New York State Bar Association CLE Program (May 17, 2022); Moderator, "SEC and DOJ Enforcement Priorities and Predictions for 2022," CLE Webinar (January 27, 2022); Presenter, "Update on Sanctions," Trade Association for the Emerging Markets (January 25, 2022); Panelist, "New Market Considerations in Buying and Selling Art Today," FBA Art Law and Litigation Conference 2021 (April 30, 2021); Panelist, "(Impact Conversations) Executive Power," Impact Center for Public Interest Law (March 5, 2021); Presenter, "State FCA Considerations for Companies Seeking COVID-19 Relief," PLI (March 1, 2021); Presenter, "Anti-Money Laundering and the Art Market," Art Basel (February 25, 2021); Presenter, "A Conversation Between Brian Miller, Special Inspector General for Pandemic Recovery, and Neil Barofsky, Former Special Inspector General, Troubled Asset Relief Program," New York City Bar Association (October 1, 2020); Presenter, "2020 Virtual Federal Sentencing Seminar – Hot Topics in Sentencing," Federal Bar Association, Tampa Bay Chapter (September 1, 2020); Presenter, "Discussion of Recent Developments at the Second Circuit and Supreme Court," New York City Council of Defense Lawyers (September 16, 2019); Moderator, "Defense Sentencing Advocacy," 28th Annual National Seminar on Federal Sentencing (August 29, 2019); Presenter, "Effective Defense Sentencing Advocacy," 27th Annual National Seminar on Federal Sentencing (September 6, 2018); 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

- Co-author, "[Fraud Detection and Investigation](#)," *Elgar Encyclopedia of Nonprofit Management, Leadership, and Governance*, (December 28, 2023)
- Co-author, "[Enhanced Oversight of Search Warrants and Title III Wiretaps](#)," *Business Crimes Bulletin*, (November 2023)
- Co-author, "[Samia v. The United States: The Bruton Problem Continues](#)," *For The Defense*, Vol. 8, Issue 3 (September 2023)
- Co-author, "[Former Federal Prosecutors and Defense Attorneys React to \*Dubin v. United States\*](#)," NYU Law's *Compliance & Enforcement* Blog (June 23, 2023)
- Co-author, "[Second Circuit Narrows Reach of Wire Fraud and Insider Trading Prohibitions](#)," *Business Crimes Bulletin* (February 2023)
- Co-author, "[Second Circuit Narrows Reach of Wire Fraud and Insider Trading Prohibitions](#)," *Law Journal Newsletters* (February 1, 2023)

- Co-author, "Carrots and Sticks: DAG Lisa Monaco Puts Her Stamp on DOJ'S Corporate Criminal Enforcement Policies," *Business Crimes Bulletin* (November 2022)
- Co-author, "Repairing the Foreign Agents Registration Act," *Business Crimes Bulletin* (May 2022)
- Co-author, "Can A Private Citizen Perform An Official Act?," *Business Crimes Bulletin* (December 2021)
- Co-author, "CFAA and the High Court's Fight Against Overcriminalization," *Law360* (June 6, 2021)
- Co-author, "OFAC Asks Non-U.S. Persons to Advance U.S. Foreign Policy," *Business Crimes Bulletin* (June 2021)
- Co-author, "Securities Market Urgently Needs Federal Insider Trading Law," *Law360* (February 11, 2021)
- Co-author, "Justices Should Revisit 2nd Circ. Theory In NCAA Bribe Case," *Law360* (February 4, 2021)
- Co-author, "Equal Justice Should Apply to All, Including the President's Friends," *Business Crimes Bulletin* (January 2021)
- Co-author, "Circuit Calls for Reintroduction of Parole for Federal Defendants," *New York Law Journal* (December 7, 2020)
- Co-author, "DOJ's Arguments in Trump Litigation Should Benefit Other Defendants," *New York Law Journal* (December 4, 2020)
- Co-author, "State FCA Considerations For Cos. Seeking COVID-19 Relief," *Law360* (November 17, 2020)
- Co-author, "OFAC Art Transaction Advisory Signals Increased Scrutiny," *Law360* (November 2020)
- Co-author, "The 'Right to Control' Wire Fraud Theory Should Be Eliminated," *Business Crimes Bulletin* (November 2020)
- "New FCPA Decision Limits DOJ's International Reach," *Business Crimes Bulletin* (May 2020)
- "INSIGHT: CARES Act Creates New Treasury IG. Ups Enforcement Ante," *Bloomberg Law* (April 8, 2020)
- "Prosecutions Under the Foreign Agents Registration Act: The Past, Present and Future," *New York Law Journal* (December 2019)
- Two-Part Article for *Business Crimes Bulletin* on The Supreme Court's October Term 2018 Criminal Law Decisions (co-author)
  - Part 1, November 2019
  - Part 2, December 2019
- "Core Rights Of Accused At Issue In High Court's New Term," *Law360* (October 2019)
- "What To Look For In White Collar Cases This High Court Term," *Law360* (October 2019)
- "New Supreme Court Term to Look at Major Questions Involving Death Penalty and Double Jeopardy," ABA Criminal Justice Magazine (February 2019)
- Two-Part Article for *Business Crimes Bulletin* on The Supreme Court's Criminal Law Decisions in 2018 (co-author)
  - Part 1, November, 2018
  - Part 2, December, 2018
- "INSIGHT: DOJ Announces Changes in Corporate Monitorship Policy," *Bloomberg Law*, October 31, 2018 (co-author)
- "INSIGHT: Second Circuit Limits Reach of FCPA," *Bloomberg Law*, September 27, 2018 (co-author)
- "INSIGHT: Second Circuit Affirms \$10 Million Fine in Tax Evasion Case," *Bloomberg Law*, August 13, 2018 (co-author)
- "INSIGHT: Carpenter v. United States: An Initial Assessment," *Bloomberg Law*, July 16, 2018 (co-author)
- "INSIGHT: The Amended Opinion in Martoma Cuts Back on the Initial Decision, But Still Affirms," *Bloomberg Law*, July 10, 2018 (co-author)
- Two-Part Article for *Business Crimes Bulletin* on Disproportionate Asset Forfeitures (co-author)
  - Part 1: "Challenging Disproportionate Forfeitures," May 2, 2018
  - Part 2: "Addressing Disproportionate Forfeitures: Refining The Bajakajian Analysis," June 6, 2018

- "Second Circuit Addresses Victims' Rights, Restitution, and Asset Forfeiture in Insurance Context," *Bloomberg Law*, May 2, 2018 (co-author)
- "High Court Criminal Tax Ruling Is Part Of A Trend," *Law360*, March 25, 2018 (co-author)
- "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)
- "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

## 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