

Michael J. Engle

Co-Chair, White-Collar Defense, Internal Investigations & Corporate Compliance

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Michael Engle is a skilled trial lawyer with more than 20 years of experience handling complex criminal cases, internal investigations and compliance matters. He also handles a variety of civil litigation matters, especially the defense of False Claims Act or *qui tam* actions. A fellow of the esteemed American College of Trial Lawyers, Michael regularly represents individuals, public officials and professionals, public and private companies of all sizes, nonprofits and other organizations in federal and state courts throughout the country. He also routinely represents clients in connection with grand jury subpoenas and civil investigative demands (CIDs).



Michael frequently represents clients in government inquiries involving antitrust laws, criminal/civil tax matters and criminal/civil securities cases. In addition, Michael routinely conducts investigations into matters related to employee theft and fraud, workplace injuries and deaths, as well as theft of trade secrets or confidential information. While he represents clients across a wide variety of industries, Michael has specific prior experience in environmental and health care litigation matters, as well as the defense of members of various branches of the U.S. military in connection with alleged violations of the Uniform Code of Military Justice (UCMJ).

Michael also has extensive experience with matters in the area of higher education, including military academies, where he has represented students, fraternal members and organizations in connection with student conduct violation hearings, Title IX matters, and grand jury investigations. Over the years, Michael has represented a number of individuals charged with criminal offenses in high-profile cases involving allegations of hazing, and he has counseled both individuals and entities with respect to the civil and criminal liabilities associated with hazing conduct.

Michael frequently presents to clients, industry organizations and fellow lawyers on white-collar defense, grand jury matters, criminal litigation and other related topics. Michael is a past president of the Pennsylvania Association of Criminal Defense Lawyers (PACDL) and currently serves as co-chair of the White-Collar Practice Committee. Michael also currently serves as the Chairperson for the American College of Trial Lawyers' Pennsylvania State Committee.

FOCUS

White-Collar Defense, Internal Investigations & Corporate Compliance
Investment Management Enforcement & Investigations
Investment Management Litigation
Litigation
Health Care Litigation
Securities Litigation & Enforcement
Appellate
Education
Environmental

BAR ADMISSIONS

Pennsylvania
New York
District of Columbia

COURTS

U.S. Supreme Court
U.S. Court of Appeals for the Third Circuit
U.S. District Court for the Eastern District of New York
U.S. District Court for the Southern District of New York
U.S. District Court for the Southern District of Texas
U.S. District Court for the Eastern District of Pennsylvania
U.S. District Court for the Middle District of Pennsylvania
U.S. District Court for the Western District of Pennsylvania
U.S. District Court for the District of Columbia
U.S. District Court for the District of New Jersey

EDUCATION

J.D., George Washington University
School of Law
B.A., *summa cum laude*,
Villanova University

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RESULTS*

White-Collar Matters

- secured the dismissal of an indictment in the Middle District of Pennsylvania charging a prominent Michigan businessperson with wire fraud and conspiracy, which resulted in the matter being resolved in favor of a corporate guilty plea for probation and payment of restitution by an entity that was no longer actively in business
- *United States v. M.R.*; U.S. District Court for EDPA; obtained a dismissal of all charges relating to the alleged improper filling of two out-of-date propane cylinders, in violation of DOT Hazardous Materials regulations, that resulted in a deadly explosion on a food truck in Philadelphia. The client pled guilty to two counts of regulatory violations involving the failure to properly train and document training of two employees at a U-Haul facility he managed in 2014. Despite the government's efforts to obtain a period of incarceration, the defendant was sentenced to two years of probation, a small fine, and community service
- *Commonwealth v. J.S.*; Dauphin County Court of Common Pleas; defended client accused of a felony violation of the State Ethics Act in connection with the PA Office of Attorney General corruption prosecution relating to the Pennsylvania Turnpike Commission. Client was placed into a diversionary program known as ARD, which will result in the dismissal of the criminal charge and expungement of the client's record upon successful completion of the program
- *United States v. Paul Crim*; U.S. District Court for EDPA; represented the only defendant who was found not guilty of conspiracy to defraud the United States in an amount exceeding \$10 million in which the IRS prosecuted individuals associated with the Commonwealth Trust Company for allegedly marketing "abusive trust" tax shelters
- *United States v. Nexus Technologies, et al.*; U.S. District Court for EDPA; obtained two years of probation for client in first Foreign Corrupt Practices Act case in U.S. District Court for the Eastern District of Pennsylvania. The client was indicted on conspiracy, FCPA violations, and Money Laundering and Travel Act violations, and faced a Federal Sentencing Guideline range of 70 to 87 months of incarceration
- *United States v. J.S.*; U.S. District Court for EDPA; represented client who received a sentence of one year and one day after negotiating and substantially reducing the tax loss in a multi-year false filing of tax returns prosecution involving hundreds of thousands of dollars in unreported taxable income
- *United States v. V.R.*; U.S. District Court for EDPA; defended client who was facing sentencing guidelines recommending incarceration, but received a sentence of three years of probation for embezzlement of union funds
- *United States v. A.G.*; U.S. District Court for the District of DE; defended a foreign national client who received time served a sentence of 26 months in a multimillion-dollar identity theft and fraud scheme spanning federal districts in Delaware, Eastern Pennsylvania and Southern California

MEMBERSHIPS

Fellow, American Board of Criminal Lawyers (ABCL)

Fellow, American College of Trial Lawyers (ACTL)

– Chair; PA State Committee

National Association of Criminal Defense Lawyers (NACDL)

Pennsylvania Association of Criminal Defense Lawyers (PACDL)

– President; 2009 – 2011

– Co-Chair; White-Collar Practice Committee: 2012 – present

PACDL Foundation for Justice

– President; 2022 – present

Criminal Law Committee, Federal Bar Association

Co-Chair, Stradley Ronon Pro Bono Committee



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- obtained a declination of prosecution from the Department of Justice on behalf of a prominent medical doctor practicing in the Philadelphia region accused of billing fraud
- *United States v. K.L.*; U.S. District Court for the District of NJ; client who owned and operated a business in Southern New Jersey was charged with conspiracy to evade payroll taxes in excess of \$100,000 as well as harboring illegal aliens and faced a Federal Sentencing Guideline range of 15 to 21 months of incarceration. The client was ultimately sentenced to three years of probation
- *United States v. M.V.*; U.S. District Court for the District of NJ; former CEO of a company based in New England was initially accused of embezzling more than \$1 million. The loss was eventually demonstrated to be substantially less and negotiated down to \$245,000. The client entered into a guilty plea to wire fraud. Despite facing a Federal Sentencing Guideline range of 15 to 21 months of incarceration, the client was ultimately sentenced to six months

Federal Criminal Matters

- obtained a declination of criminal prosecution in an insider trading investigation and successfully negotiated a favorable civil settlement with the SEC on behalf of a client located in the Eastern District of Pennsylvania
- *United States v. Rocaleen Resto*; U.S. District Court EDPA; secured an acquittal after a 10 ½ week jury trial in which the defendant was charged with kidnapping and RICO conspiracy in connection with the “Almighty Latin King and Queen Nation” racketeering case
- obtained a declination of prosecution on various alleged violations of the Uniform Code of Military Justice (UCMK) on behalf of a U.S. Navy Midshipman who was able to avoid court-martial. Resolved the case with a voluntary resignation via a student conduct process allowing the client to receive a general discharge under honorable conditions from the U.S. Navy
- *United States v. Terry Walker*; U.S. District Court EDPA; defended individual who was the only defendant acquitted at trial of all charges brought in a 22-defendant, 194-count federal indictment involving drug and firearms charges relating to the “Alton Coles Drug Conspiracy”
- obtained a favorable sentencing in a government contracting fraud investigation that involved a client, who was sentenced to one year of unsupervised probation in the Eastern District of Virginia after having negotiated a guilty plea to one count of misprision of a felony in connection with a fraud investigation involving misrepresentations made in connection with NASA contracts
- secured a declination of criminal prosecution in a health care-related fraud matter and negotiated a consent decree with the Pennsylvania Office of Attorney General, which resolved numerous alleged violations of the Unfair Trade Practices and Consumer Protection Law without any admission of liability by the client



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- *United States v. Joseph Serrano*; U.S. District Court E.D. of PA; successfully litigated Section 2255 habeas corpus petition resulting in defendant's sentence of 151 months being vacated and a new trial ordered by the court

Civil Litigation Matters

- secured reversal at the Supreme Court of Pennsylvania of the forfeiture of a judge's state pension by the State Employees' Retirement System (SERS). After the judge pleaded guilty to two charges of violating 18 U.S.C. Section 1001 by lying to federal investigators, SERS informed him that by doing so, he forfeited his pension under the Public Employee Pension Forfeiture Act (Act 140) and that the violation of the federal statute was "substantially the same" as violating 18 Pa.C.S. Section 4906. The Pennsylvania Supreme Court ruled unanimously that the statutes were not identical, overturning the Pennsylvania Commonwealth Court's ruling and precedent set in *Merlino v. Philadelphia Board of Pensions and Retirement*
- successfully negotiated a no admission of liability settlement on behalf of a pharmaceutical company in connection with a civil False Claims Act matter investigated by the U.S. Attorney's Office for the Eastern District of Pennsylvania. The case originated from a *qui tam* complaint where the government initially sought damages well in excess of \$400 million. The case was resolved for approximately four percent of the initial damages assessment and a Corporate Integrity Agreement was reached with HHS-OIG that avoided any debarment or exclusion sanctions
- successful defense of a medical practice in a federal civil False Claims Act litigation involving a *qui tam* relator
- defense and non-trial resolution for a medical professional in response to a civil investigative demand issued in connection with a federal civil False Claims Act investigation
- successful defense of a financial services industry representative sued in a federal *qui tam* action
- *City of Philadelphia v. Rocha*; PA Commonwealth Court; Successfully appealed to PA Commonwealth Court a judgment in favor of the City of Philadelphia in a civil tax litigation matter. The appeals court reversed the judgment, which was in the amount of \$707,000. Published opinion at 935 A.2d 586 (Pa. Cmwlth. 2007)
- successful defense of a multimillion-dollar civil tax action brought by Department of Justice Tax Section attorneys against an attorney's innocent spouse for failure to pay over federal income taxes
- effectuated a favorable pre-lawsuit settlement with no admission of liability in a Federal False Claims Act matter on behalf of a cardiologist in the Philadelphia region



SPEAKING ENGAGEMENTS*

- Presenter, "Virtual Annual Meeting & CLE Panel on Pandemic-Related Fraud Prosecutions," Federal Law Committee for the Eastern District of Pennsylvania
- Presenter, "Identification and Litigation of Brady Issues in PA and Federal Courts," PACDL
- Presenter, "Problems and Challenges in Federal Criminal Trial Practice Resulting From COVID-19," West LegalEdCenter/Thompson Reuters
- Presenter, "Best Practices for Effective Federal Criminal Sentencing Advocacy," Philadelphia Bar Association's 2020 Federal Bench Bar Conference
- Presenter, "Avoiding Pitfalls and Implementing Best Practices: The Ethics of Dealing with Government and Internal Investigations," Association of Corporate Counsel (ACC) Greater Philadelphia In-House Conference
- Presenter, "Warning: State Attorneys General Investigations of COVID-19 Fraud on the Rise and All Industries Are Exposed," PACDL
- Presenter, "Hazing Cases: Criminal and Civil Liability Issues for Individuals and Institutions)," PACDL
- Moderator, "Pitfalls and Procedures: Navigating Federal Criminal Practice in EDPA and D.NJ," PACDL Talking Criminal Law at the Beach: PA and NJ Practice Nuances, Tips, and Pitfalls to Avoid Seminar
- Moderator, "Initial Coin Offerings," ABA's Fifth Annual Blockchain, Digital Currency and ICO National Institute
- Presenter, "Stay in Your Lane: Ethics Hypos for the Criminal Defense Lawyer," PACDL DUI & Motor Vehicle Law Summit
- Speaker, "Criminal Defense & Ethics: There's a Rule for That," PBI Criminal Law Update
- Instructor and Judge, National Institute for Trial Advocacy's Building Trial Skills Program
- Moderator, "Cryptocurrencies & ICOs: Navigating the Regulatory Landscape and Responding to Government Investigations," Pennsylvania Association of Criminal Defense Lawyers' White Collar Practice Seminar
- Speaker, "Hazing: Understanding the Civil and Criminal Liability Issues for Individuals and Institutions," Professional Fraternity Association's National Conference
- Presenter, "Hazing: Understanding the Civil and Criminal Liability Issues for Individuals and Institutions," Phi Alpha Delta Biennial Convention
- Presenter, "Ethical Challenges in Criminal Defense and Prosecution," PBI 2017 Criminal Law Update
- Presenter, "The Life of an Internal Investigation," PBI CLE
- Panelist, "The Ethics of Interviewing Witnesses: There's a Rule for That!" PBI CLE Ethics Hour

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- Speaker, “Ethical Challenges in Criminal Defense and Prosecution,” PBI Criminal Law Symposium
- Presenter, “Responding to Grand Jury Subpoenas: The Lawyer is Not a Potted Plant” and “The Art of Sentencing Advocacy: Litigation for Mitigation in State and Federal Courts,” PACDL Annual Conference
- Presenter, “State Investigating Grand Jury Practice: Essentials for Federal Practitioners,” Federal Bar Association, Criminal Law Committee
- Speaker, “Ethical Issues in Criminal Defense: There’s a Rule for That!,” PBI Criminal Law Update
- Presenter, “Employment Law and Whistleblowers: Navigating Your Client to a Safe Harbor,” PACDL White Collar Practice Seminar; Corporate Criminal Investigations
- Presenter, “Unlocking the Secrets of Investigating Grand Jury Practice,” Philadelphia Bench Bar Conference
- Speaker, “Pennsylvania Grand Jury Practice: Investigating and Indicting,” Philadelphia Bar Association
- Presenter, “White Collar Criminal Defense: It’s Not just For the Federal Practitioner Anymore,” PACDL White Collar Seminar
- Speaker, “Secrets of the Grand Jury,” Pennsylvania Conference of State Trial Judges
- Presenter, “Controlling the Flow of Information: Federal Grand Jury Practice,” PACDL
- Speaker, “Making an Effect Sentencing Hearing Presentation,” Federal Bench Bar Conference
- Speaker, “State Grand Jury Investigations: New Developments and Practice Points,” PACDL Annual Meeting
- Presenter, “Federal Sentencing Advocacy,” PBI Criminal Law Symposium
- Speaker, “Adoption of Drug Cases by the Federal Government,” PACDL Drug Cases CLE
- Presenter, “The Nuts & Bolts of Federal Sentencing,” PBI Criminal Law Symposium
- Speaker, “Search & Seizure Issues in White Collar Cases,” PACDL, Search & Seizure CLE
- Presenter, “So Your Case is Going Federal, Now What?” PBI Criminal Law Symposium
- Speaker, “Litigation Skills Training Sessions,” PACDL Annual Meeting
- Presenter, “So Your Case is Going Federal, Now What?” PACDL Annual Meeting
- Presenter, “Philadelphia Justice: Understanding Your Rights,” PA CDRC Presentation
- Speaker, “Fundamentals of Jury Trial Advocacy,” PACDL Annual Meeting

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PUBLICATIONS*

- Author, "Cybersecurity and Government Contracting: The Future of False Claims Act Enforcement," *PACDL For the Defense*
- Author, "Warning: State Attorneys General Investigations Increasingly Due to COVID-19," *PACDL For the Defense*
- Author, "Increased Risk of State Prosecution for Environmental Crimes," *Pratt's Energy Law Report*
- Author, "Health Care Fraud: A Priority for the Trump Administration and a Trap for the Unwary," *Pratt's Government Contracting Law Report*
- Author, "ABA Shadow Guidelines: An Answer to the Seemingly Mindless Acceleration of Penalties for Economic Crimes Under the Federal Sentencing Guidelines," *PACDL For the Defense*
- Author, "Queen for a Day – Assessing the Risks and Rewards of a Proffer Agreement," *Westlaw Journal: White-Collar Crime*

RECOGNITIONS

- *Chambers USA: America's Leading Lawyers for Business: Litigation: White-Collar Crime & Government Investigations*
- The Charles P. Gelso President's Award, Pennsylvania Association of Criminal Defense Lawyers
- *Martindale-Hubbell*, AV Preeminent rating
- Pennsylvania *Super Lawyers*, Top 100 Pennsylvania and Top 100 Philadelphia
- New York *Super Lawyers*
- *The Best Lawyers in America*

*Includes matters, speaking engagements and publications prior to joining Stradley Ronon.

