



Shaun Clarke, *Partner*

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Shaun Clarke tries civil and criminal cases.

To win.

In August 2017, as lead trial counsel he obtained a "*Not Guilty*" verdict in a federal jury trial for our client who was charged with insider trading arising from the merger of The Shaw Group with Chicago Bridge & Iron. In 2016, as lead trial counsel he obtained a "*Not Guilty*" verdict in a federal jury trial for the BP rig worker charged with manslaughter arising from the Deepwater Horizon oil spill. He has won jury trials for clients in area ranging from taxation to civil rights, from personal injury to complex criminal frauds.

Described by *Chambers USA* as a "master in handling government investigations on behalf of a nationwide clientele," Mr. Clarke has been selected for inclusion in *The Best Lawyers in America* for over a decade, and has been named a *Litigation Star* by *Benchmark Litigation* and a Texas and Louisiana *SuperLawyer*. Mr. Clarke honed his trial skills as a San Francisco Deputy City Attorney and as an Assistant United States Attorney in New Orleans. He has led defense teams in nearly every area of white collar defense and has represented clients ranging from Fortune 50 companies to individual employees. He has successfully represented clients in SEC and other government investigations as well as at every level of both the civil and criminal court systems. A few other noteworthy criminal cases include:

- the landmark "constructive amendment" reversal in *U.S. v. Hoover*;
- reversal of a \$17 million restitution award in *U.S. v. D.L.*;
- dismissal of criminal charges against an individual under the Commodities Exchange Act in *U.S. v. Radley*;
- successful representation of a former New York Yankee in the congressional investigation into performance enhancing drug use;
- successful defense of a New Orleans hospital in the investigation of alleged euthanizing of patients following Hurricane Katrina.

Mr. Clarke has enjoyed equal success in civil litigation:

- In *Shell v. St. Charles Parish*, he prevailed at trial on behalf of a corporate client that challenged taxes imposed by a local entity;
- in *LOPA v. Shalala* he obtained an injunction that prevented the federal government from implementing a system that would have limited access to transplants for Louisiana residents;
- he won dismissal of civil RICO charges filed against a major law firm and one of its partners; and
- he successfully represented employee of U.S. defense contractor who was falsely accused in a civil suit of raping a coworker in Iraq.

Mr. Clarke is admitted to the Bars of Texas and Louisiana and regularly speaks before their members on issues related to trial tactics, white-collar and environmental crime, and corporate investigations.

EDUCATION AND EXPERIENCE

Brown University

B.A., Theatre Arts, 1982

Yale Law School

J.D., 1987

Editor, *Yale Law Journal*

EDUCATION AND EXPERIENCE (continued)

Law Clerk

to the Hon. D. Lowell Jensen, United States District Court for the Northern District of California
1987-1988

Partner

Smyser Kaplan & Veselka, L.L.P, 2014-Present

Principal

Gerger & Clarke, 2008-2014

Shareholder

Liskow & Lewis, 1996-2007

Assistant United States Attorney

Eastern District of Louisiana, 1992-1995

Deputy City Attorney

City and County of San Francisco, 1989-1991



PROFESSIONAL RECOGNITION

Super Lawyer by Thomson Reuters for 2007-2017.

Litigation Star by Benchmark Litigation, 2016.

Recognized as one of the Best Lawyers in America in White Collar Defense: General Practice and

Criminal Defense: White-Collar for over 11 years

New Orleans Top 50 Lawyers, 2006.



ADMISSIONS

State Courts of Texas

State Courts of Louisiana

State Courts of California (Inactive)

United States Supreme Court

United States District Court for the Southern and Western Districts of Texas

United States Court of Appeals for the Fifth Circuit

United States District Court for the Eastern, Middle, and Western Districts of Louisiana

Louisiana Supreme Court

ORGANIZATIONS

- National Association of Criminal Defense Lawyers, Member
- American Bar Association, White Collar Crime Committee Member
- Federal Bar Association, Member
- Teach for America, New Orleans Board, 1994-2004

REPRESENTATIVE MATTERS

United States v. Kaluza, et al. (BP Deepwater Horizon Case)

Lead trial counsel for a BP "well site leader" charged with manslaughter and environmental crimes in the aftermath of the Deepwater Horizon oil spill. Led team that obtained dismissal of manslaughter charges and a "Not Guilty" jury verdict on the remaining charge.

United States v. Roberts

Lead trial counsel for individual charged with insider trading from merger of The Shaw Group with Chicago Bridge & Iron. Led team that obtained "*Not Guilty*" jury verdict on all charges.

United States v. Hoover

Mr. Clarke successfully obtained reversal of a business executive's conviction based on government's violation of his fifth amendment rights. The indictment was later dismissed.

Shell Oil Company v. St. Charles Parish

In a multi-million dollar dispute, Mr. Clarke prevailed at trial and on appeal on behalf of his corporate client. The dispute involved taxes and fees imposed by a local tax entity.

Government Investigations and Prosecutions

United States v. Lapin – Won reversal of \$17,000,000 restitution award imposed on defendant following conviction in investment fraud case.

Successfully avoided criminal charges against major energy company in Department of Interior investigation of alleged criminal violations of Outer Continental Shelf Lands Act.

Successfully represented former New York Yankee in congressional investigation of performance enhancing drug use in major league baseball.

In Re Memorial Medical Center – Successfully represented hospital in Louisiana Attorney General's investigation of alleged euthanizing of stranded patients following Hurricane Katrina.

Successfully represented major steel manufacturer in grand jury investigation and civil False Claims Act case alleging over \$500,000,000 in damages. Obtained favorable civil resolution with no criminal charges.

Successfully represented medical scientist in federal investigation of alleged illegal importation of research animals. Resolved case with no civil or criminal charges against client.

Successfully represented senior executive of oilfield services company in congressional investigation of alleged bribery of state and federal judges.

Civil Litigation

Successfully represented hospital in antitrust litigation that prevented takeover attempt by its major competitor.

Obtained injunction for Louisiana organ transplant centers that prevented federal government from implementing allocation system that would have limited access to transplants for Louisiana residents.

City v. Municipal Administrative Services – Prevailed at trial and on appeal for client corporation in fee dispute with public entity.

Won dismissal of Civil RICO charges filed against a major law firm and one of its partners. Also prevailed on appeal.

Successfully represented employee of U.S. defense contractor who was falsely accused in civil suit of raping coworker in Iraq.

PUBLICATIONS AND SPEAKING ENGAGEMENTS

“What were They Thinking? Mens Rea in White Collar Cases,” National Association of Criminal Defense Lawyers (2017).

“When Disasters Strike – Pipelines, Platforms, Poison & Other Perils: Who is Criminally Liable for Tragic Mishaps?,” ABA White Collar Crime Institute (2017).

“The BP Criminal Litigation – A War Story,” 28th Annual Texas Environmental Superconference (2016).

“The Deepwater Horizon Litigation: Civil, Criminal and Administrative,” New Orleans Bar Association (2016).

“Getting to ‘Not Guilty’ in *U.S. v. Kaluza*,” Houston Bar Association (2016).

“Recent Developments in White Collar Criminal Law,” Louisiana State Bar Association (2014 – 2017).

“The Expanding Scope of Environmental Crimes Prosecutions,” American Bar Association, White Collar Crime Institute (2014).

“Emerging Issues in White Collar Criminal Law,” Louisiana State Bar Association (2013).

“What Your Employees are Thinking During a Criminal Investigation,” Institute for Energy Law (2011) (with David Gerger).

“Crossing the Forbidden Line in the Business Arena,” 28th Annual River and Marine Industry Seminar (2010).

“Parallel Proceedings: Litigating a Civil Case during a Criminal Investigation,” Louisiana State Bar Association (2009).

“Corporate Internal Investigations,” Louisiana State Bar Association (2009).

“The Attorney-Client Privilege and Work Product Protections,” Tenet Healthcare Legal Conference (2008).

“Turning Torts into Crimes: The Alchemy of White-Collar Criminal Law,” Institute for Energy Law (2008) (with M.D. Rubenstein).

“Ethical Issues in Organizational Representations,” South Texas College of Law Corporate Crime Institute (2007).

“Erosion of the Attorney-Client Privilege,” Tulane Law School Inn of Court (2006).

“When Competition Becomes Criminal: A Primer on Antitrust, Price-Fixing and Bid-Rigging” (2004).