

## JAMES W. KRAUS PARTNER

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JAMES W. KRAUS has spent over 20 years focusing on white collar criminal defense, government enforcement, internal investigations, health care litigation and commercial litigation. Mr. Kraus has extensive trial experience in a wide variety of complex matters, including health care litigation, securities matters, preliminary injunction proceedings, and criminal trials in both state and federal court. He has also handled environmental litigation and regulatory enforcement matters. Prior to joining private practice, Mr. Kraus served as a JAG criminal prosecutor with the U.S. Army's 4th Infantry Division. This experience brings his clients an unrivaled practical hands-on approach and trial experience from a much earlier age than his counterparts.

In addition to his work in the courtroom, Mr. Kraus has represented clients in response to investigations by the U.S. Department of Justice, the Securities and Exchange Commission, and other government agencies. He also has substantial experience in representing clients before both state and federal grand juries.

In 2021, Mr. Kraus was inducted into the American Board of Trial Advocates. Since 2012, his peers have repeatedly recognized him as a *Pennsylvania Super Lawyer* in the area of White Collar Criminal Defense. He has been recognized in *Best Lawyers in America* in three separate practice areas: Healthcare Litigation, Criminal Defense: White Collar, and Medical Malpractice Law – Defendants. He is Past Chair of the Defense Research Institute (DRI) Government Enforcement and Corporate Compliance Committee (GECC).

In addition to serving as a JAG criminal prosecutor, Mr. Kraus also served as environmental litigation counsel for the Department of the Army in Washington, D.C., working with the Department of Justice as Agency counsel in litigation matters defending environmental lawsuits and regulatory actions.

Mr. Kraus is an active member of his local community where he serves as President of the Board of Directors of the Alliance for Non-Profit Resources. He previously served as an elected city council member for the City of Butler where he was the Director of Public Safety.

Mr. Kraus also previously served as an adjunct professor in Carlow University's Forensic Accounting program and as a guest lecturer in Carlow's Fraud and Forensics Master's Degree program. This included consultation in curriculum development and lectures on various subjects relating to criminal and civil fraud litigation.

### Speaking Engagements

"False Claims Act / Healthcare Fraud: Recent Developments and Likely Trends," Defense Research Institute Business Litigation Super Conference (Austin, TX), May 2019

"Government Enforcement and Corporate Compliance," Defense Research Institute (Washington, D.C.), July

2014

“Rules and Regulations Regarding the Performance of Off-Label Procedures,” Innovative Treatment Options for Chronic Pain Symposium (Pittsburgh, PA), March 2014

“Training for Day-to-Day Success and Game-Planning for Crisis Response,” Defense Research Institute (Washington, D.C.), June, 2013

“Legal Review of Healthcare Fraud and Abuse Laws,” Peripheral Nerve Stimulator Hands-On Pain Management Conference (Pavilion X, Pittsburgh, PA), March 2013

“Changes in the Plea Process,” National Symposium: Plea Bargaining After Lafler and Frye (Duquesne University School of Law, Pittsburgh, PA), March 2013

“Reflecting on Whitewater, Lessons in the Art of Negotiating Proffer Agreements Through the Prism of a Presidential Crisis,” Pennsylvania Association of Criminal Defense Lawyers White Collar Practice Seminar (Philadelphia, PA), November 2012

“SOX to Dodd Frank, 10 years of Increased Government Enforcement,” The Defense Research Institute Annual Meeting, Government Enforcement and Corporate Compliance Committee CLE (New Orleans, LA), October 2012  
Allegheny County Bar Association’s 50th Anniversary Bench-Bar Conference Moderator (Seven Springs, PA), June 15, 2012

“Key Steps in Initiating a Fraud Investigation,” Carlow University, Fraud and Forensics Masters Program, Guest Lecturer (Pittsburgh, PA), April 2012

“Gathering, Storing, and Preserving Evidence,” Carlow University, Fraud and Forensics Masters Program, Guest Lecturer (Pittsburgh, PA), April 2012

“Conducting the Witness Interview,” Carlow University, Fraud and Forensics Masters Program, Guest Lecturer (Pittsburgh, PA), April 2012

“Factors and Considerations in Fraud Prosecutions,” Carlow University, Fraud and Forensics Masters Program, Guest Lecturer (Pittsburgh, PA), April 2012

“Preparing the Report of Investigation,” Carlow University, Fraud and Forensics Masters Program, Guest Lecturer (Pittsburgh, PA), April 2012

“Offers and Proffers – Reflecting on Clinton, Starr and the People of Whitewater: Cooperating Witnesses and Defendants,” The Mid-Atlantic Region Subcommittee of the ABA’s White Collar Crime Committee CLE Program (Pittsburgh, PA), December 2011

“Sarbanes Oxley: Key Features, Business Environment Precursors, and Legacy,” Carlow University, Fraud and Forensics Masters Program, Guest Lecturer (Pittsburgh, PA), December 2011

“Criminal and Civil Fraud: Comparison and Contrast,” Carlow University, Fraud and Forensics Masters Program, Guest Lecturer (Pittsburgh, PA), December 2011

“Motions Practice: The Shaping of a Fraud Case,” Carlow University, Fraud and Forensics Masters Program, Guest Lecturer (Pittsburgh, PA), December 2011

“ADR and the Fraud Case,” Carlow University, Fraud and Forensics Masters Program, Guest Lecturer (Pittsburgh, PA), December 2011

“Effective Use of Expert Witnesses,” Carlow University, Fraud and Forensics Masters Program, Guest Lecturer (Pittsburgh, PA), December 2011

“Trends in Criminal and Civil Sanctions Under the False Claims Act,” The Defense Research Institute Annual Meeting, Government Enforcement and Corporate Compliance Committee CLE (Washington, DC), October 2011

“Environmental Compliance and Criminal Enforcement,” The Mid-Atlantic Region Subcommittee of the ABA’s Criminal Justice Section White Collar Crime Committee CLE Program (Pittsburgh, PA), December 2010

“Responding to Government Investigations,” Association of Certified Fraud Examiners (Pittsburgh, PA), December 2010

“Document Retention and Destruction,” Lorman Education Services (Pittsburgh, PA), September 2009

## **Publications**

HHS/OIG Notes Lack Of Supporting Documentation A Significant Problem In Billing For Sleep Study Services  
Decisive Action On Notice Of Fraud Proves Critical In Avoiding Prosecution Of Corporation  
DOJ Continues Its Focus On False Claims In Mental Healthcare  
DOJ Settles Civil Medical Necessity Claims With Health System While Orthopedic Surgeon Remains A Fugitive From Criminal Charges  
DOJ Pursues Political Corruption By Targeting Political Operatives And Lobbyists  
DOJ Refocuses Policies and Priorities in Combating Intellectual Property Crime  
SEC Continues To Fight Off Collateral Challenge To Administrative Proceedings In The Wake Of Dodd-Frank  
Attorneys And Law Firms Remain On Sec's Radar For Insider Trading Cases  
Brokers And Financial Advisors Risk Criminal Liability When Gaining Unauthorized Access To Confidential Client Information  
DOJ Criminal Chief Reinforces New Focus On Individuals In Corporate Investigations And Prosecutions  
Former Peanut Company President And Two Others Sentenced For Roles In Salmonella-Tainted Product Outbreak  
Chicago Area Medical Biller Sentenced To 45 Months For Role In \$4 Million Home Healthcare Fraud Scheme  
Broker Pleads Guilty To Insider Trading With Information Stolen From Law Firm  
Houston Psychiatrist Convicted In \$158 Million Medicare Fraud Scheme  
DOJ Announces New Focus On Prosecuting Individuals  
Hyde Amendment Claim No Small Task: Third Circuit Affirms Denial Of Louis Manzo's Petition  
Recent Convictions And Large Civil Penalties Show Environmental Matters Remain DOJ Priority  
Second Annual Consumer Protection Summit: Principal Dag Stuart Delery Touts \$2 Billion Recovered And 23 Convictions In Consumer Protection Enforcement Actions In 2012  
Better The Devil You Know? Dangers Of Corporate Hacking  
Criminal Investigation of Salmonella-Tainted Peanut Products Complete — DOJ Announces Charges Against Five Individuals and Reaches Out to Potential Victims  
Everybody Was Fong Foo Fighting: Scotus Follows 1962 Decision — Holds Double Jeopardy Bars Retrial Even When Based On Error Of Law  
Florida's LPS Enters Into NPA To Settle Docx Mortgage Fraud Case — Will Pay \$35 Million  
Stanford's Top Lieutenants Each Get 20 Years In Prison  
D.C. Circuit Denies Reporter Access To Independent Consultant Reports From AIG Settlement With Sec  
Swiss Bank Account a Safe Haven? Not So Much...  
Second Circuit Finds Temporary Restraining Order Admissible To Show State Of Mind  
Second Circuit Allows Government's Interlocutory Appeal Of Suppression Order In Spongetech Securities Fraud Prosecution  
Fourth Circuit Reverses \$20 Million Restitution Order In Sweepstakes Fraud Case  
APTx Agrees To Guilty Plea And \$1 Million Fine For Fraud In Iraq Reconstruction Contract  
Standard Chartered Bank Enters Into DPA For IEEPA Violations – Forfeits \$227 Million  
Clean Water Act Conviction Results In 5 Year Sentence For Owner And General Manager Of Wastewater Treatment Facility  
SEC Chair Schapiro To Step Down  
Middle District Of Pennsylvania Includes Additional Government Disclosure Requirements In New Rule For Pre-Sentence Procedure  
Indictment Of Environmental Lab Operator A Sign Of DOJ's Willingness To Treat CWA Violations As Criminal Matters  
Wasson Capital, Ltd. President Pleads Guilty, Agrees To \$2.3 Million In Restitution And Settles With SEC For Misleading Investors  
MoneyGram International Secures DPA, Forfeiting \$100 Million, For Anti-Money Laundering And Wire Fraud Violations  
Assistant Attorney General Breuer Highlights Civil Forfeiture, DPAs And NPAs At IBC Legal Forum In London

Second Circuit Affirms District Court's Authority Under All Writs Act To Restrain Funds In Anticipation Of Sentencing

9th Circuit Does Not Find Government's Chutzpah Appealing

TYCO Enters Into NPA And Subsidiary Pleads Guilty – \$26 Million Paid In FCPA Settlement

WSJ Article Shines Light On Guilty Pleas

Third Circuit Denies Defendant Interest On Award Of Excess Restitution

Former Stanford Financial Group CIO Sentenced For Obstruction Of Justice

New York Times Reports Largest FCPA Settlements Have Been With Foreign Firms

Jury Convicts Three Former UBS Executives For Municipal Bond Big Rigging

SEC Makes First Whistleblower Award Since Passage Of Dodd-Frank

Michigan Man Becomes 9th Individual To Plead Guilty In \$13.8 Million Healthcare Fraud Scheme

Second Circuit Reverses District Court's Dismissal Of SEC Claim Against Former Terex Corporation CFO

Company That Compensated Victims Of Employee's Bid Rigging Scheme Has No Standing To Appeal Criminal Restitution Order

Government Abandons First Large-Scale FCPA Sting Prosecution

Clinton Fundraiser's 24-Year Sentence Upheld

Unanimous Supreme Court Finds Warrantless Use Of GPS Device Violates Fourth Amendment

Virtual Testimony And The Confrontation Clause

The Shifting Tide In FINRA Arbitrations

## **Bar Admissions**

Pennsylvania

West Virginia

Ohio

District of Columbia

U.S. Supreme Court

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. District Court - Eastern District of Pennsylvania

U.S. District Court - Middle District of Pennsylvania

U.S. District Court - Western District of Pennsylvania

U.S. District Court - Northern District of Ohio

U.S. District Court - Southern District of Ohio

U.S. District Court - Northern District of West Virginia

U.S. District Court - Southern District of West Virginia