



## Michael J. Connolly

Partner

Boston

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### Practices

Litigation, Government Enforcement & White Collar Defense,  
Construction & Public Contracts, Banking & Financial Institutions, Securities,  
Securities Litigation, Health Care

### Education

Fordham University of Law, J.D., 1984

Boston College, B.S., 1981

*magna cum laude*

*Carroll School of Management, Honors Program*

### About

Michael, a Partner, and Co-Chair in the Firm's Government Enforcement & White Collar Defense Group.

As an Assistant United States Attorney, Michael tried nearly a dozen cases to verdict – resulting in convictions of all defendants in every case. As a prosecutor, Michael concentrated in economic crimes including securities fraud, health care fraud, corruption, tax fraud, and bank fraud. Attorney General Janet Reno awarded Michael the 1996 John Marshall Award, the U.S. Department of Justice's highest award for trial work. He received this honor for his successful work in prosecuting what then-FBI Director Louis J. Freeh

hailed as “the largest commercial bribery case in the history of the Department of Justice,” involving 22 former executives with American Honda Motor Company and some of the country’s largest automobile dealers. The prosecution culminated in a four-month jury trial that resulted in the conviction of two former American Honda senior executives of RICO violations, conspiracy and various other fraud charges.

Since leaving the government, Michael has distinguished himself in trying high-stakes business disputes and white collar criminal cases, including several recent wins against the U.S. Department of Justice. He has served as lead counsel in over four dozen trials in Federal and State courts throughout New England, as well as in New York, New Jersey, Delaware, Tennessee and Florida. Michael’s accomplishments as a trial lawyer led to his induction into the American College of Trial Lawyers.

Michael has successfully represented senior executives of publicly traded companies and others in SEC investigations and enforcement actions involving allegedly fraudulent disclosures, insider trading, revenue recognition issues, options back-dating, market timing, and various regulatory violations, including prevailing against the SEC at the U.S. District Court level and before the First Circuit Court of Appeals.

Michael also has extensive experience in defending pharma executives, academic medical centers and various other health care providers in grand jury investigations and False Claims Act prosecutions. Michael provides guidance to corporate officers and boards of directors on various issues involving the Foreign Corrupt Practices Act, voluntary and mandatory disclosures, and public relations, among others. Michael is currently defending a global pharmaceutical company in connection with an investigation of alleged fraudulent marketing practices of opioid medications; a non-profit patient assistance fund being investigated for Anti-Kickback Statute and tax violations; and several pharma executives being investigated for off-label marketing, Anti-Kickback violations and securities fraud.

Michael regularly conducts large-scale internal and independent investigations into billing issues and various forms of possible criminal, unlawful and unethical conduct, including highly publicized sexual abuse scandals involving several prominent boarding schools, a world-renowned professional sports organization and other entities.

## **Credentials**

### **Work Experience**

Hinckley Allen

- Co-Chair, Government Enforcement & White Collar Defense Group
- Partner (1998-Present)

## **Honors & Awards**

- Best Lawyers of America® (2005-2019)
  - Lawyer of the Year (2015)
  - Recognized for Bet-the-Company Litigation, Commercial Litigation and Criminal Defense: White-Collar
- Super Lawyers, Massachusetts (2004-2006, 2008-2018)
- New Hampshire Magazine, Granite State's Ideal Attorneys, Federal Criminal Law category (2003-2008)
- Boston College Alumni Association's Award of Excellence in Law (1997)
- United States Attorney General's John Marshall Award for Excellence in Trial Work (1996)
- American College of Trial Lawyers, Fellow
- Chambers USA America's Leading Lawyers for the categories of Litigation: General Commercial and White-Collar Crime & Government Investigations
- Martindale-Hubbell® AV Peer Review Rating, Recipient

## **Professional Affiliations**

- American Bar Association, Litigation and Criminal Justice Sections
- American College of Trial Lawyers, State Committee Member
- Boston Bar Association, Litigation and Criminal Sections
- Federal Court Advisory Committee, U.S. District Court, District of New Hampshire
- First Circuit Advisory Committee on Rules

## **Bar Memberships**

- Massachusetts, 1998
- New Hampshire, 2000
- New York, 1985
- United States Court of Appeals, First Circuit (1991), Second Circuit (2009)
- United States District Court, District of Massachusetts, 1998
- United States District Courts, Southern and Eastern Districts of New York, 1986
- United States Supreme Court, 2004

## **Experience**

Michael's two most recent trials against the Boston U.S. Attorney's Office resulted in the juries acquitting his clients on all charges (one involved allegations that his client issued prescriptions for opioids in the absence of medical necessity, and the other involved wire fraud and conspiracy charges in connection with a casino development). A third recent health care trial resulted in a hung jury and a mistrial.

Michael has also convinced federal and state prosecutors to decline prosecution in many cases and has secured voluntary dismissals of indictments against corporations and individuals, including the following examples:

- The dismissal of mail fraud charges against the public contractor that installed the ceiling panel in the I-90 Connector Tunnel to Logan Airport (as part of a project known as “the Big Dig”) that collapsed, fatally injuring a motorist (United States v. Modern Continental, No. 08 cr. 10183-DPW (D. Mass.));
- The dismissal of immigration fraud charges against a recruiter in the hotel industry (United States v. Kirsch, No. 1:14-cr-131-01/02-JD (D.N.H.)); and
- The dismissal of ERISA fraud and mail fraud charges against an asbestos remediation contractor (United States v. Air Quality Experts, Inc., No. 16 cr. 10014 (D. Mass.)).

Michael has served as lead counsel in dozens of False Claims Act cases, achieving the following outcomes:

- The dismissal of a qui tam case brought against one of the largest public contractors in New England on a Rule 12(b)(6) motion;
- Numerous declinations by federal prosecutors following protracted investigations;
- Agreements with federal prosecutors to return overpayments to CMS without any further government action; and
- Agreements with federal prosecutors to close False Claims Act investigations and resolve overpayment issues based on common law theories only, such as unjust enrichment.

## **Reported Cases**

- *Fialkov v. Microsoft Corp.*, 72 F. Supp. 3d 1220 (W.D. Wash. 2014), *aff'd*, 692 F. App'x 491 (9th Cir. 2017)
- *United States v. Thompson*, 229 F. Supp. 3d 91 (D. Mass. 2017)
- *State v. Actavis Pharma, Inc.*, 167 A.3d 1277 (N.H. 2017)
- *United States v. Thompson*, 229 F. Supp. 3d 91 (D. Mass. 2017)
- *United States v. Gattineri et al*, 1:14CR10284-NMG (2016)
- *SEC v. Andrade*, 157 F. Supp. 3d 124 (D.R.I. 2016)
- *United States v. Denunzio*, 123 F. Supp. 3d 135 (D. Mass. 2015)
- *ACQIS, LLC v. EMC Corp.*, 109 F. Supp. 3d 352 (D. Mass. 2015)
- *United States v. Pliner et al*, 1:11CR10070-PBS (2015)
- *Bower v. El-Nady*, 962 F. Supp. 2d 368 (D. Mass. 2013)
- *Michelin North Am., Inc. v. Inter-City Tire & Auto Ctr., Inc.*, 2013 U.S. Lexis 120635 (D.S.C. 2013)
- *United States v. Zolot*, 2013 U.S. Dist. Lexis 129690 (D. Mass. 2013)
- *Milford-Bennington R.R. Co. v. Pan Am Rys., Inc.*, 695 F.3d 175 (1st Cir. 2012)

- Bower v. El-Nady, 847 F. Supp. 2d 266 (D. Mass. 2012)
- Rubio v. Rubio, 964 N.Y.S. 2d 62 (N.Y. Sup. Ct. 2012)
- Grand Circle, LLC v. CCO Investment Services Corp., No. 09-06454, 2010 NASD Arb. LEXIS 1412 (NASD Arb. 2010)
- State v. Breed, 159 N.H. 61 (2009)
- Hall v. Brooks, No. 08-00101, 2009 U.S. Dist. LEXIS 54378 (D. N.H. 2009)
- In re Publ'n Paper Antitrust Litig., No. 04-1631, 2009 U.S. Dist. LEXIS 66654 (D. Conn. 2009)
- GT Solar, Inc. v. Goi, No. 08-249, 2009 U.S. Dist. LEXIS 97108 (D. N.H. 2009)
- SEC v. Papa, 555 F.3d 31 (1st Cir. 2009)
- New England Southern R.R. Co. v. Boston & Me. Co., 2008 U.S. Dist. LEXIS 105580 (D.N.H. December 31, 2008)
- United States v. Quriaishi, 2008 U.S. Dist. LEXIS 77387 (D. Mass. March 5, 2008)
- Kolancian v. Snowden 532 F.Supp.2d (D. Mass. 2008)
- United States v. Shanahan, 2007 U.S. Dist. LEXIS 61124 (D.N.H. August 15, 2007)
- United States v. Mason, 497 F.Supp.2d 328 (D.R.I. 2007)
- SEC v. Durgarian, 477 F.Supp.2d 342 (D. Mass. 2007)
- United States v. Urciuoli, 470 F.Supp.2d 109 (D.R.I. 2007)
- Enterasys Networks, Inc. v. DNPg, LLC, 2006 U.S. Dist. LEXIS 42225 (D.N.H. June 12, 2006)
- United States v. Guerrette, 389 F. Supp.2d 10 (D.Me. 2005)
- United States v. Mikutowicz, 365 F.3d 65 (1st Cir. 2004)
- In re Tyco Intern., Ltd., 340 F.Supp.2d 94 (D.N.H. 2004)
- In re Tyco Intern., Inc. Multidistrict Litigation (MDL 1335), 2004 WL 556715 (D.N.H. March 19, 2004)
- Rooney v. Walt Disney World Co., 2003 WL 22937728 (D. Mass. November 25, 2003)
- Chrysler Corporation v. Chaplake Holdings, Ltd., 822 A.2d 1024 (Del. 2003)
- Champion Exposition Services, Inc. v. Hi-Tech Electric, 273 F.Supp.2d 172 (D. Mass. 2003)
- United States v. Mikutowicz, 2003 WL 21857885 (D. Mass.)
- United States v. Mikutowicz, 2002 WL 31528324 (D.Mass.)
- Burling v. Chandler, 804 A.2d 471 (N.H. 2002)
- Waters v. Walt Disney World Company, 237 F.Supp.2d 162 (D.R.I. 2002)
- Chaplake Holdings, Ltd. v. Chrysler Corporation, 766 A.2d 1 (Del. 2001)
- Coakley Landfill Group v. IT Corporation, 116 F.Supp.2d 244 (D.N.H. 2002)
- United States v. Shea, 211 F.3d 658 (1st Cir. 2000) (Trial Counsel Only)
- Chaplake Holdings, Ltd. v. Chrysler Corporation, 1999 WL 167834 (Del.Super.)
- United States v. Shea, 957 F.Supp. 331 (D.N.H. 1997)
- United States v. Joselyn, 99 F.3d 1182 (1st Cir. 1996)

- [United States v. Conway](#), 81 F.3d 15 (1st Cir. 1996)
- [United States v. Cardiges](#), 881 F.Supp. 717 (D.N.H. 1995)
- [Thomas v. American Cyanamid Company](#), 7 F.3d 235 (6th Cir. 1993) (Trial counsel only)
- [United States v. McCoy](#), 977 F.2d 706 (1st Cir. 1992)
- [United States v. Desmarais](#), 938 F.2d 347 (1st Cir. 1991)

## Latest News & Insight

### Firm News

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[Chambers USA 2016 Ranks Hinckley Allen Attorneys and Practices](#), June 10, 2016

[Chambers USA 2015 Ranks Hinckley Allen Attorneys and Practices](#), May 19, 2015

[Hinckley Allen Partner Michael J. Connolly Named "Lawyer of the Year" in White Collar Criminal Defense by Best Lawyers](#), August 18, 2014

### Publications

[Sexual Misconduct Allegations: Prompt, Thorough and Coordinated Response and Prevention Strategies Are Critical](#), December 21, 2017

[Jury Clears Trio Charged In \\$1.6B Wynn Casino Land Deal](#), April 29, 2016

[DOJ's New Policy Against Corporate Fraud](#), September 15, 2015

### Events

[Deal Me In! An Overview of Gaming in Massachusetts](#), September 14, 2016



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