

Sanjay Bhandari

San Diego, California
Shareholder

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Areas of Practice & Industry Specialties

White Collar & Investigations; Litigation



Sanjay Bhandari is Co-Chair of the Firm's White Collar and Investigations Practice. His practice focuses on government investigations, white-collar defense, and intellectual property litigation. He is a former federal prosecutor, a former Securities and Exchange Commission attorney, and an experienced trial lawyer in criminal and civil cases.

Mr. Bhandari has conducted numerous internal investigations, created and reviewed corporate compliance programs, and defended many individuals and corporations in government investigations and enforcement proceedings. He has particular expertise in anti-corruption laws (including the Foreign Corrupt Practices Act (FCPA)), healthcare laws, and securities laws. He has also handled cases involving antitrust, environmental, money laundering, and tax issues, among others.

Mr. Bhandari's intellectual property experience includes several copyright, patent, and trademark trials, and numerous litigated cases in a wide range of industries, including chemicals, memory chips, medical and dental devices, software, and television broadcasts.

Mr. Bhandari has tried approximately twenty cases before juries, judges, and arbitrators, including trials that ran from a few days to several months in length. The Department of Justice twice recognized his investigative and trial work by awarding him one of its highest awards for federal prosecutors, in 2006 and 2001.

Representative Matters

Representative investigations and white collar matters include the following:

- Conducted worldwide investigations into potential FCPA violations at medical device, transportation, and other companies, including in-country investigations in Azerbaijan, Germany, India, Russia, and Turkey.
- Led internal investigation and defense of public healthcare system in Department of Justice False Claims Act matter related to pharmacogenomics testing.
- Represented multiple employees of a U.S. technology company in U.S. and Swiss investigations into violations of U.S. and Swiss anti-corruption laws, securing no U.S. charges, and, together with Swiss counsel, dismissal of Swiss charges.
- Created anti-corruption compliance program for a multinational chemical manufacturer.
- Reviewed and provided recommendations for improvement of the anti-corruption compliance program of a multinational medical device company.
- Represented numerous individuals in internal and government investigations relating to adulteration, anti-kickback, misbranding, off-label promotion, and other FDA and health law issues.
- Conducted pharmaceutical company's internal investigation into off-label promotion issues in the Western Region.
- Represented numerous individuals and companies in SEC investigations and enforcement actions

relating to fraud, insider trading, registration exemption, reserve accounting, and other issues.

- Defense of several individuals in federal and state criminal and civil tax enforcement matters, including active prosecutions in federal and state courts.
- Representation of several individuals in antitrust investigations and prosecutions, including bid-rigging and cartel allegations.
- Defense of a transportation company against charges of criminal violations of California environmental law; charges dismissed.

Representative intellectual property and business litigation matters include the following:

- Represented a television broadcasting company in copyright and trademark infringement lawsuit through jury trial, resulting in a favorable multimillion-dollar verdict.
- Representation of an electronic design automation company in patent litigation involving semiconductor chip design, including handling infringement, validity, and damages issues.
- Representation of an orthodontic products company in patent litigation involving self-ligating orthodontic brackets.
- Representation of a foreign automotive products manufacturer through arbitration hearing in patent misuse litigation involving rocket science patents.
- Representation of a clothing distributor in contract and intellectual property litigation with customers and business partners.
- Representation of a medical software company in copyright and contract litigation with former business partner.
- Representation of companies and individuals in employee mobility cases involving claims of theft of trade secrets.
- Led civil defense of financier accused of racketeering and fraud, resulting in voluntary dismissal of claims by plaintiff and sanctions against plaintiff's counsel.

Mr. Bhandari was in government service from 1999 to 2008, as an Assistant U.S. Attorney in the Southern District of California and an SEC Enforcement Attorney at the SEC's headquarters in Washington, D.C. Matters he handled included:

- *United States v. Cunningham*: The then-largest bribery and tax evasion case brought against a sitting United States Congressman (Randy "Duke" Cunningham).
- *United States v. Foggo*: The bribery and procurement fraud prosecution of the Executive Director of the Central Intelligence Agency.
- *United States v. Wilkes*: The bribery prosecution of a defense contractor.
- *United States v. Gardner et al.*: The securities fraud prosecutions of numerous executives and business partners of Peregrine Systems, Inc., a San Diego-based business software company that engaged in improper revenue recognition and other irregularities. Those convicted of fraud included the Chief Executive Officer, the Chief Financial Officer, the Controller, the Worldwide Head of Sales, and many others.
- *United States v. Fanghella et al.*: The fraud and tax evasion prosecutions of numerous executives and business partners of PinnFund USA, Inc., a Carlsbad sub-prime mortgage lender run as a Ponzi scheme (wherein investment funds from new investors were the basis for returns and capital withdrawals paid to old investors).

Publications

- High Court Ruling Boosts Defenses In DOJ Health Care Cases, *Law360*, July 11, 2022
- Prosecutors Strike Out on Barry Bonds as Ninth Circuit Narrows Obstruction Strike Zone, *Ballard Spahr Alert*, April 24, 2015

- Who Is a 'Foreign Official' under the FCPA? Eleventh Circuit Weighs In, *Ballard Spahr Alert* , May 21, 2014
- Supreme Court Rulings Expected to Curb Meritless Patent Litigation, *Ballard Spahr Alert* , April 19, 2014
- Companies Have a Friend in Economic Espionage Act, *Ballard Spahr Alert* , March 25, 2014
- Anti-Corruption Enforcement and Compliance in the Life Science Sector, *Baker & McKenzie North America Pharmaceutical and Healthcare Newsletter*, October 1, 2009
- FCPA Enforcement in the Pharmaceutical and Medical Device Sectors, *American Bar Association* , May 1, 2009

Presentations

- Speaker, "Fines, Forfeitures, and Restitution: Cutting-Edge Developments," National Association of Criminal Defense Lawyers, 2019 West Coast White Collar Conference, June 1, 2019
- Speaker, "Managing Third Party Corruption Risk under U.S. and U.K. Law," Webinar, September 1, 2014
- Speaker, "Combating Trade Secret Theft: What Every Company Should Know about the EEA and CFAA," Webinar, April 1, 2014
- Speaker, "Third Party Anti-Bribery Compliance Audits: How to Draft and Enforce Audit Clauses," on file with Trace International for use in Trace Anti-Bribery Specialist Accreditation , February 4, 2014
- Speaker, "All Rise: Advocacy in Action," Plenary Session, California Minority Counsel Program Annual Conference, October 4, 2011
- Speaker, "Keeping It Clean: Anti-Corruption Compliance as Businesses Move Into India and Other Emerging Markets," NASABA Annual Convention , June 1, 2011
- Speaker, "Focus on Latin America: Legal Developments, Strategies and Opportunities for US Companies," Baker & McKenzie Client Briefing , September 1, 2010
- Speaker, "An In-Depth Review of Executive Compensation and Corporate Governance Provisions Under Dodd-Frank Act of 2010," Baker & McKenzie Client Briefing , August 3, 2010
- Speaker, "FCPA and Export Compliance Workshop, Life Sciences Compliance Boot Camp," American Conference Institute , June 1, 2010
- Faculty member, "Health Care Fraud ," ABA National Institute, May 1, 2009
- Speaker, "Update on Criminal Enforcement of Accounting Matters and Evolving Standards of Internal Controls," FASB/SEC Institute , February 3, 2009
- Panelist, "SEC Enforcement Priorities: Implications for Life Sciences Companies," FDA 2009, sponsored by Sidley Austin and the BioBay Institute, January 2, 2009
- Speaker, "FCPA Enforcement Trends," Steering Committee for the California Society of CPAs, August 1, 2008

Education

Mr. Bhandari received his J.D. *cum laude* from Cornell Law School, where he was an Editor of the Cornell Law Review, and a John M. Olin Scholar. He received his B.S.F.S *cum laude* from Georgetown University's School of Foreign Service.

Bar Admissions

- California

Court Admissions

- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California

- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the District of Colorado
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Federal Circuit

Community

- Board Member of the Federal Bar Association (San Diego Chapter).
- Member of the National Association of Criminal Defense Lawyers.
- Member of the Association of Securities & Exchange Commission Alumni.
- Member of the Southern District of California's Pro Bono Panel for indigent civil rights plaintiffs.
- Member of the Rotary Club of Coronado.
- Member of the South Asian Bar Association of San Diego (past Board Member, President-Elect, and Chair of the Endorsements Committee).
- Past service as a Judge Pro Tem of the San Diego Superior Court.

Languages

- French
- German
- Hindi