

# SETON HALL | LAW

Healthcare Compliance  
Certificate Program

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## **Jenny Kramer**

*Partner*

Alston & Bird LLP (New York)

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Jenny Kramer is a partner in the Litigation & Trial Practice Group who focuses her practice on white collar criminal defense, SEC and other regulatory enforcement, internal investigations, and complex commercial litigation. She represents financial institutions, corporations, and individuals across a range of industries in international and domestic criminal matters, including corruption and bribery allegations, money laundering, the Bank Secrecy Act, FCPA, FCA, and health care and securities. Jenny made headlines as part of the defense team representing U.S. Sen. Robert Menendez against government charges of bribery and corruption, where the charges were dismissed with prejudice following a three-month trial. Jenny also made news by winning a unanimous decision from the Third Circuit overturning a lower court ruling and vacating a decision to unseal the identity of client “John Doe” in the Bridgegate scandal in New Jersey.

Jenny served as an assistant U.S. attorney in the District of New Jersey for more than nine years. She conducted and prosecuted large-scale, complex financial fraud investigations, including market manipulation and investment schemes, securities, corporate, mail and wire fraud, and insider trading. Jenny worked closely with the SEC in joint investigations yielding administrative and criminal penalties. She tried to verdict numerous cases involving charges of conspiracy, fraud, obstruction of justice, public corruption, and violations of the Federal Election Campaign Act.

### ***Representative Experience***

- Represented a U.S. Senator from New Jersey against government charges of bribery and corruption that were ultimately dismissed with prejudice following a three-month trial that resulted in a hung jury.
- Obtained a unanimous precedential decision from the Third Circuit, which rejected efforts by a consortium of news media seeking the disclosure of names in a letter containing a list of alleged unindicted co-conspirators connected to the New Jersey “Bridgegate” scandal.
- Represented a device manufacturer in an FCA investigation regarding speaker fees, lavish meals, and other remuneration paid to a physician consultant. Although the physician was under criminal investigation and ultimately pleaded guilty to health care fraud, we successfully negotiated a speedy civil resolution with the government for less than the cost of defense, without a monitor or corporate integrity agreement.
- Representing an American multinational information technology services and consulting company in connection with an ongoing criminal prosecution of two former executives of Cognizant for violations of the Foreign Corrupt Practices Act.

- Hired by U.S. Soccer to investigate an allegation against U.S. Men's National Team head coach Gregg Berhalter and an allegation against others related to interactions with members of the U.S. Soccer staff.
- Represented a medical products company in an internal investigation.
- Represented a physician in a DOJ investigation regarding allegations of conspiracy to commit health care fraud.
- Represented a medical staffing company in an internal investigation regarding allegations of Medicare and Medicaid fraud.
- Represented an individual in a DOJ investigation, with related a FCA matter, regarding the marketing and promotional practices of a medical devices company.
- Represented an individual in a DOJ investigation regarding allegations of Medicare and Medicaid fraud which resulted in a declination.
- Represented current and former employees of a pharmaceutical company in a large-scale DOJ investigation relating to diversion.
- Represented a dietary supplement retailer in a DOJ investigation regarding its sale of potentially unlawful dietary supplements.
- Represented the former CFO of a major technology corporation in an investigation by the DOJ and the SEC regarding alleged accounting fraud.
- Represented an individual charged with racketeering and wire fraud conspiracy in a DOJ investigation into soccer's international governing body, FIFA.
- Represented a chief engineer at a national technology company in a DOJ criminal investigation which resulted in a declination.
- Represented an international financial institution in parallel investigations by the DOJ, New York Department of Financial Services, and other regulatory authorities.

### ***Publications & Presentations***

#### **Publications**

- "How to Mitigate Sentencing Liability in Complex Fraud Cases," *Law360*, March 16, 2022.
- "Where Health Care Enforcement Is Headed Under Biden," *Law360*, April 12, 2021.
- "Women in Investigations," *Global Investigations Review*, June 21, 2018.

#### **Presentations**

- "Has Everything in Federal Criminal Prosecutions Changed or Is it Much Ado About Nothing?" Association of the Federal Bar of New Jersey CLE Lunch Hour, Newark, NJ, April 26, 2023.
- "Filing Effective Pre-Trial Motions: Prosecution and Defense," NJAJ's Boardwalk Seminar 2023: Criminal Law Program, Atlantic City, NJ, April 26 - 28, 2023.
- "Updates in Criminal Law: State and Federal," New Jersey Association for Justice's Meadowlands Seminar 2022: Criminal Law, East Rutherford, NJ, November 18, 2022.
- "Thera 'No No's'," Forum on Civil & Criminal Healthcare Fraud Enforcement, Nashville, TN, October 20, 2022.
- "Being the Focus of a Government Investigation," U.S. Healthcare Compliance Certificate Program, Newark, NJ, June 16, 2022.
- "Trends and Hot Topics in Federal Criminal Practice," NJSBA – 2022 Annual Meeting and Convention, Atlantic City, NJ, May 19, 2022.

- “Relevant Enforcement Policies and Guidance Memoranda – What do They Really Mean,” Forum on Civil and Criminal Healthcare Fraud Enforcement, Hoboken, NJ, October 7, 2021.
- “Foreign Corrupt Practices Act New York,” American Conference Institute, webinar, June 3, 2021.
- “The Legal System and How to Allow Sexual Assault Victims to Become Survivors,” New York City Bar, April 16, 2021.
- “Ethics Professionalism for Criminal Attorneys,” Meadowlands Seminar 2020 A Digital Experience: Education, Networking & Exhibits, Monday, December 7 – Wednesday, December 9, 2020.
- “Health Care Fraud Sentencing, Penalties, Damages & Other Considerations,” Healthcare Compliance Certificate Program, webinar, October 21, 2020.
- “Criminal Law – Ethics and Professionalism for Criminal Attorneys,” New Jersey Association for Justice Boardwalk Seminar, webinar, August 21, 2020.
- “Panel Discussion: Being the Focus of a Government Investigation,” and “Health Care Fraud Sentencing, Penalties, Damages & Other Considerations,” October U.S. Healthcare Compliance Certification Program, Newark, NJ, October 14-17, 2019.
- “Panel Discussion: Being the Focus of a Government Investigation,” and “Health Care Fraud Sentencing, Penalties, Damages & Other Considerations,” June U.S. Healthcare Compliance Certification Program, Newark, NJ, June 10-13, 2019.
- “Defense Counsel Perspectives on Cross-Border Government and Internal Investigations: The Top 5 Most Critical Decisions to Get Right,” ACI’s 21st New York Conference on the Foreign Corrupt Practices Act, New York, NY, May 15-16, 2019.
- “Internal and Government Investigations & The Whistleblower,” 2018 White Collar Practice Seminar, Pennsylvania Association of Criminal Defense Lawyers, Philadelphia, PA, November 15-16, 2018.
- “Panel Discussion: Being the Focus of a Government Investigation” and “Health Care Fraud Sentencing, Penalties, Damages & Other Considerations,” U.S. Healthcare Compliance Certification Program, Seton Hall Law School, Newark, NJ, October 8-11, 2018.
- “Read the Menu Carefully – Charging Decisions & Defense Strategies in Public Corruption Cases,” American Bar Association 2018 Southeastern White Collar Crime Institute, Braselton, GA, September 5-7, 2018.
- “White Collar Sentencing,” 8th Annual West Coast White Collar Conference, Santa Monica, CA, June 20-22, 2018.
- “Health Care Fraud Sentencing, Penalties, Damages & Other Considerations,” U.S. Healthcare Compliance Certification Program, Newark, NJ, June 11-14, 2018.
- “Federal Practice: Current Trends in the Sessions Department of Justice,” New Jersey Association for Justice’s Boardwalk Seminar, Atlantic City, NJ, May 9-11, 2018.

### ***Professional & Community Engagement***

- Top 100 Women in Investigations 2018, *Global Investigations Review*
- *Chambers USA: America’s Leading Lawyers for Business* – Litigation: White Collar Crime & Government Investigations (2021 – 2023)
- *The Best Lawyers in America*® (2023 – 2024)

***Education***

- Seton Hall University (J.D., 2001)
- Oberlin College (B.M., 1997)

***Admitted to Practice***

- New York
- New Jersey