

Surya Saxena *Attorney*



Experienced and Trustworthy Investigations and Advocacy

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Overview

Surya Saxena is a former federal prosecutor and former in-house counsel who partners with clients to achieve their goals in government enforcement actions, internal investigations, white collar criminal cases, and complex civil litigation.

An accomplished lead trial counsel, Surya has tried over a dozen cases before federal and state juries and argued multiple times before the Eighth Circuit Court of Appeals. He has led investigations and government enforcement matters as a prosecutor, an in-house attorney, and in private practice. Surya prides himself on his detailed and honest approach to representing your interests. He enjoys diving into the details of complex matters and distilling that complexity into clear recommendations for clients.

As an Assistant U.S. Attorney, Surya investigated and tried cases including fraud, embezzlement, money laundering, and cybercrime matters. As an in-house litigation and investigations counsel, Surya conducted compliance, regulatory, ethics, employment, and whistleblower investigations, and he managed the company's response to government investigations and regulatory inquiries. Throughout his career, Surya has handled complex white collar criminal matters on behalf of the government and for both organizational and individual defendants. Surya's litigation and investigations experience includes civil and criminal matters involving the False Claims Act, the Foreign Corrupt Practices Act, the Anti-Kickback Statute, the Food, Drug, and Cosmetic Act, the Bank Secrecy Act, and more. Surya was recently recognized for his trial advocacy by *Minnesota Lawyer*, which named Surya and his former colleagues 2018 "Attorneys of the Year."

Surya is also a member of Greene Espel's Diversity, Equity, and Inclusion ("DEI") Practice. Surya has been dedicated to providing evidence-based DEI training and solutions to organizations throughout his legal career. He has presented at CLEs, developed hiring and recruiting plans, and trained hiring committees on mitigating biases. Surya enjoys working with organizations to rethink their DEI plans and to implement structural changes that improve the recruitment, retention, and advancement of women and minorities. *Minnesota Lawyer* recognized Surya as a 2019 Diversity & Inclusion Honoree in recognition of his efforts.

In his free time, Surya is an avid supporter of Liverpool Football Club. He enjoys traveling with his wife and two daughters and coaching youth soccer.

Education

J.D., Georgetown University Law Center, *cum laude*

B.A., University of Minnesota – Twin Cities, Political Science, *with distinction*

Experience

UnitedHealthcare, Senior Associate General Counsel, affirmative litigation and investigations

United States Attorney's Office – District of Minnesota, Assistant United States Attorney

Dorsey & Whitney, Associate

Representative Experience

As a federal prosecutor:

- Investigated, tried, and briefed and argued the appeal in *United States v. James Carlson*, et al. [i.e., the Last Place on Earth], 12-cr-305 (DSD/LIB) (D. Minn.), one of the first-in-the-country prosecutions of synthetic cannabinoid and cathinone distribution. The case involved complex expert testimony in the areas of chemistry and pharmacology, and included FDCA and Money Laundering charges. An audio recording of the appellate argument is available at <http://media-oa.ca8.uscourts.gov/OAaudio/2015/10/142986.MP3> (beginning at 31:08).
- *United States v. Dooling*, 17-cr-87 (PAM/SER): Lead trial counsel at seven-day trial of owner of renewable energy company who defrauded farmers out of approximately \$13 million.
- *United States v. Ruzicka, et al.* [i.e., the Starkey Laboratories Fraud Trial], 16-cr-246 (JRT/SER): Co-counsel at two-month long trial of former executives who embezzled approximately \$20 million from Starkey Hearing Technologies, Inc.
- *United States v. Seng Xiong*, 16-cr-167 (SRN/HB): Co-counsel at three-week long trial of defendant who defrauded Hmong community members out of approximately \$1.7 million by promising them he had secured a new Hmong homeland in Southeast Asia.
- Investigated use of the “dark web” to facilitate money laundering, drug trafficking, and other illegal activities.
- Investigated international money laundering, money transmitting businesses, and money services businesses.
- Conducted investigation involving alleged False Claims Act and Foreign Corrupt Practices Act violations.

As an in-house counsel:

- Conducted privileged ethics and compliance investigations based on alleged wrongful termination, regulatory and statutory violations, and government contract violations.
- Investigated healthcare fraud allegations including Anti-Kickback Statute violations, False Claims Act violations, Covid-19 diagnostic-related fraud, cost-share waivers, billing fraud, provider licensing, etc.
- Managed response to government, administrative, and regulatory investigations, including civil investigative demands, False Claims Act investigations, Attorney General inquiries, and agency requests.
- Represented the company in connection with government and law-enforcement interviews of employees.
- Managed litigation involving \$100-plus million dispute between health insurer and pharmaceutical company involving alleged fraud resulting from False Claims Act settlement of Anti-Kickback Statute violations.
- Managed litigation involving alleged Covid-19-related laboratory billing fraud.
- Developed affirmative recovery strategies for health insurer involving alleged breach of contract, fraud, Civil RICO, unfair competition, and state statutory violations.

As a private practitioner:

- Represented individual criminal defendants accused of bank fraud, embezzlement, and healthcare fraud.
- Conducted internal investigations for organizational defendants involving alleged healthcare fraud, wrongful termination, compliance and ethics policy violations, and securities fraud.
- Civil litigation experience involving wage and hour issues, minority shareholder oppression, intellectual property licensing, breach of contract, and more.

Admissions

- U.S. Court of Appeals for the Eighth Circuit
- U.S. District Court for the District of Minnesota
- State Bar of Minnesota

Professional & Community Affiliations

PROFESSIONAL AFFILIATIONS

- Federal Bar Association, Minnesota Chapter
 - Board of Directors (2019-present)
 - Affinity Bar Association Liaison (2021-present)
 - Charitable Grant Committee, Co-Chair (2018-2021)
 - White Collar Crime Committee, Co-Chair (2017-2018)

Thought Leadership

SELECTED TEACHING AND LECTURING

- *3 Strategies for Effectively Examining Witnesses*, Co-Presenter, Minnesota CLE (February 16, 2022)
- *Mitigating Bias in Federal Courts*, Federal Bar Association, Minnesota Chapter (May 2019) (Presenter)
- *The Attorney-Client Privilege in Federal Criminal Proceedings*, Federal Bar Association, Minnesota Chapter (June 2018[CAB1]) (Presenter)
- *Mitigating Bias in the Federal Criminal Justice System*, U.S. District Court, District of Minnesota (October 2017) (Coordinator).
- *The Science of Implicit Bias and What It Means for the Criminal Justice System*, U.S. District Court, District of Minnesota (July 2015) (Coordinator)

Recognition

- 2019 Diversity & Inclusion Honoree, *Minnesota Lawyer*
- Named a 2018 "Attorney of the Year," *Minnesota Lawyer*