



Sean B. O'Connell

Shareholder

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Sean O'Connell represents corporate and individual clients in white collar and regulatory defense matters.

Sean O'Connell is a shareholder in Baker Donelson's Washington, D.C., office and a member of the Government Enforcement and Investigations Group. Sean represents corporate and individual clients in white collar and regulatory defense matters, including claims involving health care fraud, tax, the Foreign Corrupt Practices Act (FCPA), and the False Claims Act (FCA). He frequently represents his clients before the Department of Justice, the Securities and Exchange Commission, state attorneys general, and other regulatory agencies.

Having directed both criminal and civil Department of Justice (DOJ) investigations, Sean is uniquely situated to provide compliance counseling, conduct internal investigations, navigate and counter government investigations and – if need be – defend government allegations at every stage of litigation.

He also regularly advises companies about the effectiveness of their compliance programs and assists companies that are facing investigations by enforcement agencies outside of the United States.

Sean has represented several large health care clients in responding to investigations of potential violations of the FCA, the Anti-Kickback Statute, and related regulations.

Sean's experience includes more than 13 years serving as a trial attorney with the DOJ's Criminal Fraud Section and the Criminal Tax Division, as an Assistant United States Attorney with the U.S. Attorneys' Offices for the District of Maryland and the Western District of Texas, and as a Special Assistant United States Attorney with the U.S. Attorneys' Offices for the Eastern District of Virginia and the Eastern District of Pennsylvania. He joined the DOJ as a trial attorney through the Attorney General's Honors Program and led investigations and prosecutions into a wide variety of white collar crimes, including health care, tax, bank, wire, mail, and securities fraud; money laundering; public corruption; and the FCPA.

Representative Matters

- Counseled an African mining company on Office of Foreign Assets Control (OFAC) sanctions and risk exposure.
- Conducted an internal investigation of a Department of Defense (DOD) contractor into possible violations of the FCA and other related regulations.
- Represented a national immigration services company in an investigation by state insurance regulators.
- Conducted internal investigations into public corruption allegations at a state university and in public school districts.
- Represented a multistate health care organization responding to allegations by the Small Business Administration (SBA) that it improperly received millions of dollars in Payment Protection Program (PPP) funding because it violated the SBA's affiliation rules.
- Obtained a non-intervention decision from the U.S. Attorney's Office and State Attorney General's Office into FCA allegations of health care fraud.

- Conducted an internal investigation for international energy company to respond to allegations of FCPA violations.
- Developed a compliance program for a multinational energy company.

Relevant Government Experience

- Served as lead government counsel in dozens of criminal health care and tax fraud prosecutions.
- Served as lead government counsel in FCA investigations of medical practices and hospital systems accused of deceptive billing practices.
- Served as lead government counsel in FCA investigations of fraudulent billing by DOD contractors.
- Served as co-counsel in public corruption and financial fraud investigations of former Texas State Senator Carlos Uresti and Reeves County Judge Jimmy Galindo.
- Served as criminal tax counsel assigned to FCPA investigation of a European telecommunication corporation.
- Served as co-lead counsel in a 10-week jury trial of a homebuilder defendant who conspired to obstruct justice and defraud the United States and various lending institutions of more than \$25 million.
- Served as counsel in a five-week jury trial against a lawyer and others who conspired to evade assessment of \$24 million in income using nominee entities, including a fictitious Irish bank.
- Secured a legal victory in a one-week jury trial against two promoters of a \$28 million sham trust scheme.
- Served as defense counsel in dozens of claims brought pursuant to the Federal Tort Claims Act.
- Defended the constitutionality of government practices throughout the Western District of Texas, including civil and criminal forfeiture procedures during Department of Homeland Security searches and seizures.



Professional Honors & Activities

- Recipient – Virginia Access to Justice Commission, Pro Bono Service Honor Roll (2023)
- Member – Federal Bar Association
 - Board of Directors – San Antonio Chapter (2015 – 2019)
- Chief's Investigative Excellence Award for Carlos Uresti, et al. Investigative Team – Internal Revenue Service (2019)
- Outstanding Attorney Award – U.S. Department of Justice Tax Division (2009 and 2010) Attorney General's Honors Program (2006)
- Law Clerk – United States District Court for the Eastern District of Pennsylvania, Hon. James McGirr Kelly (2004 – 2005), Hon. Timothy Rice (2005), and Hon. Robert F. Kelly (2005 – 2006)



Publications

- "D.C. Council Passes Emergency Legislation to Close "Gifting Shops" in the District" (January 2024)
- "Supreme Court Holds That FCA Requires Subjective Intent" (June 2023)
- "Companies Take Heed: DOJ Announces Key Updates and Corporate Compliance Guidance" (March 2023)
- Co-author – "Insurance Tips for Mitigating DOJ Cyber Initiative Risks," *Law360* (November 2021)
- Co-author – "Are You a Government Contractor Seeking PPP Loan Forgiveness? Be Careful What You Wish For!," *Pratt's Government Contracting Law Report* (August 2021)



Speaking Engagements

- Panelist – "7 Supply Chain Red Flags: When to Recognize, React, or Run!," Avetta webinar (January 2023)
- Speaker – "Negotiating and Mediating False Claims Act Cases," Healthcare Enforcement Compliance Conference (November 2021)

- Guest Lecturer – "Health Care Fraud," William & Mary Law School (September 2021)
- Guest Faculty – "Law and Literature," University of Houston (Fall 2020)



Education

- Temple University Beasley School of Law, J.D., 2004
 - *Temple Law Review*
- University of Virginia, B.A., 1998



Admissions

- District of Columbia, 2021
- Virginia, 2020
- Pennsylvania, 2005
- Texas, 2017
- U.S. Supreme Court
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, District of Maryland
- U.S. District Court, Western District of Texas