



J. Scott Newton

Shareholder

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As a member of the Government Enforcement and Investigations Group, Scott Newton concentrates his practice on government investigations and litigation, primarily including financial and health care fraud, monitorships, internal investigations, and commercial litigation matters.

Mr. Newton has more than 30 years of experience investigating, prosecuting, litigating, and monitoring criminal, civil, and parallel financial and health care fraud allegations and addressing collateral compliance consequences nationally as a Federal Bureau of Investigation (FBI) Special Agent, Assistant United States Attorney (AUSA), independent corporate monitor, and as an attorney in private practice.

Litigation, Monitoring and Investigations

Mr. Newton's national defense practice focuses on government investigations and prosecutions, parallel criminal and civil health care fraud cases, independent monitorships, complex internal investigations, and "bet the company" commercial litigation. He represents global, public, and large private companies, including the leading global public financial services company and several subsidiaries; the oldest and largest health care company in the U.S.; the largest global health carrier (by revenue) and its global subsidiary; the largest military shipbuilding company in the U.S.; the largest physician-owned Medicare Advantage health maintenance organization (HMO) in the U.S.; a public pharmacy; and numerous others. He also served as the Independent Review Organization (IRO) monitor for the ninth largest public health system in the country.

Mr. Newton has more than 25 years of experience prosecuting and defending virtually every type of health care provider, including pharmaceutical manufacturers and distributors, hospital systems, managed care organizations (MCOs), HMOs, physician practices, and others in parallel criminal/civil/administrative False Claims Act (FCA) and *qui tams*, Stark and Anti-Kickback Statute (AKS)/FCA bootstrapped cases, which are considered the most complex of litigation matters. He has also defended cases investigated by the FBI, Securities Exchange Commission (SEC), Drug Enforcement Administration (DEA), Immigration and Customs Enforcement (ICE), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and United States Department of Health and Human Service Office of Inspector General (OIG).

Mr. Newton provides guidance to boards of directors, audit committees, and C-suite management about the impact of fraud allegations on enterprise governance, compliance, and risk management. He regularly responds to grand jury investigations, including leading responsive internal investigations, addressing search warrants, subpoenas, seizure of assets, preparing witness testimony, production of records, leading litigation, negotiating settlements and/or pleas, trying cases, preparing and negotiating compliance programs, and other remedial administrative measures. Mr. Newton has extensive entity corporate integrity monitoring and systems review experience. He assists with managing risk in mergers and acquisitions by offering due diligence support, evaluation, and advice. Mr. Newton also assists with compliance issues, enforcement trends, regulatory issues, voluntary disclosures, Health Insurance Portability and Accountability Act (HIPAA) compliance, and medical staff issues.

Disaster Recovery and Government Services

Following Hurricane Katrina, appointed by Governor Haley Barbour as Special Counsel to the Governor's Commission for Recovery. To continue serving impacted communities, he initiated and led Baker Donelson's Disaster Recovery and Government Services Team. He organized a team of strategic partners to develop and

implement the financial management oversight processes used by the state in its recovery. The team provided public clients with project and financial management oversight, legal and compliance advice, grant administration and determination appeals services under HUD's \$5.5B Community Development Block Grant program to rebuild housing, infrastructure, and economic development projects, estimated \$3.2B FEMA Public Assistance Program to repair/replace damaged public infrastructure, and \$2.5B FEMA National Flood Insurance program to help rebuilding/relocation. GAO Reports to the United States Senate Homeland Security Committee praised the processes for their innovation as leading practice and the Firm gained a national reputation as one of the only law firms in the country serving public clients in substantive project management and disaster recovery guidance.

Assistant United States Attorney, Southern District of Mississippi and Western District of Louisiana (1997 – 2003)

As an AUSA, Mr. Newton prosecuted violations of federal laws with felony trials in narcotics trafficking and economic crime cases, as well as misdemeanor trials in environmental and other cases. He tried and convicted Fidel Ayala, a Los Angeles County methamphetamine trafficker with a national network, which included convicted co-conspirators, obtaining the first life sentence in a narcotics case in the Southern District of Mississippi. The case was the Mississippi Bureau of Narcotics "2001 Case of the Year." The national interagency collaborative investigation was conducted by the DEA, US Customs, and FBI in Mississippi and California.

Mr. Newton also initiated and, for more than a year, co-led a high-profile judicial bribery investigation that eventually resulted in the convictions of two state trial court judges and nationally prominent plaintiff's attorneys.

As the AUSA for Health Care Fraud Enforcement, Mr. Newton successfully prosecuted approximately 200 health care fraud cases, recovering about \$20 million for the Medicare Trust Fund. As part of a national Department of Justice (DOJ)/HHS Medicare initiative, he prosecuted 121 hospitals, including a national hospital chain, recovering more than \$10 million. The settlement with the national hospital chain resulted in the largest health care fraud recovery in Mississippi's history. He is a two-time recipient of the HHS Inspector General's "Integrity Award," the highest honor bestowed on individuals outside the agency. He was appointed as representative to the DOJ's Health Care Fraud Working Group. Mr. Newton also successfully defended numerous federal agencies in civil litigation and has tried Federal Torts Claims Act cases. He had "Secret" clearance.

Federal Bureau of Investigation, Salt Lake City Division (1991 – 1997)

Mr. Newton led Bonneville Pacific Corporation investigation, which was called "America's first corporate scandal case" by former DOJ senior official – a successful, nationally high profile, estimated \$600 million securities fraud, international money laundering (offshore bank accounts in Switzerland and Bahamas), tax evasion, and bank fraud investigation of a publicly traded alternative energy company and its nationally known accounting, investment banking, and law firms. The chairman of the board, CEO, and three managing directors, who inflated stock prices and diverted millions offshore, were convicted. The case was the lead story in *The Wall Street Journal* and *Barron's* due to its significance, complexity, novelty, and involvement of the then-mayor of Salt Lake City and two former Utah governors.

Mr. Newton was appointed as FBI representative to the U.S. Securities and Commodities Task Force. He initiated and directed the successful undercover case "Stamp Out," the first FBI effort aimed at electronic benefit card and food stamp fraud. He directed the successful "Fast Track" program, significantly deterring bank fraud in Salt Lake City. He worked on the FBI's largest national undercover telemarketing case in a supporting undercover role. His domestic terrorism work included the Montana Freeman Standoff, the Unabomber, and "OKBOMB" (Oklahoma City bombing) John Doe #2 investigations. His foreign

counterintelligence experience includes surveillance and other work involving Russian START Treaty inspectors and Chinese nationals attending the University of Utah. Mr. Newton made arrests, executed search warrants, and worked on Title IIIs supporting the Violent Crimes Task Force. During his tenure with the FBI, he served as a Relief Supervisory Special Agent. He had "Top Secret" clearance.

Representative Matters

Health Care

- Served as the IRO for the ninth largest public health system in the country, arising from the second largest non-litigated Stark settlement with OIG monitored corporate integrity agreement (CIA). Work included entity corporate integrity monitoring, arrangements systems and transactions reviews, oversight of governor-appointed board of commissioners, and corporate/hospital management. Presented 12 substantive reports to hospital system, the OIG and/or DOJ.
- Served as a member of the trial team that defended a health care provider where the U.S. District Court for the Northern District of Mississippi found the DOJ failed to carry its burden of proof in an \$895 million suit. The DOJ alleged that one of the country's largest skilled nursing facilities and an affiliate entered an AKS/FCA scheme with a pharmaceutical company. The case was significant because it was a rare FCA defense trial verdict and for the amount alleged.
- Defended the largest health carrier and largest health care company (by revenue) in the world and its global subsidiary, which serves 80 percent of the Fortune 100, in a *qui tam* alleging multi-million-dollar fraud associated with failure to provide adequate care. Plaintiff counsel asserted national pattern of conduct. Case was dismissed without damages being paid after successful appeal to the U.S. Court of Appeals for the Fifth Circuit.
- Defended the largest physician-owned (1,300+) Medicare Advantage HMO in the country in parallel criminal and civil investigations alleging failure to provide member care. After a multi-year investigation by the U.S. Attorney's Office for the Eastern District of Louisiana, the parallel criminal and civil cases were declined without action.
- Defended a hospital in four-year parallel criminal and civil FCA/AKS investigation in which USAO for the Eastern District of Louisiana alleged kickbacks were made to a medical doctor resulting in millions in alleged damages. Criminal cases against the hospital and management were declined without action, and a successful \$1.75 million civil settlement with no remedial measures was achieved. Non-client medical doctor was sentenced to seven and a half years.
- Defended a regional cardiology practice in *qui tam* alleging millions in unnecessary procedures. Motion to dismiss was granted by the U.S. District Court for the Eastern District of Tennessee and affirmed by the Sixth Circuit Court of Appeals after oral argument. Case has significant precedential and procedural value in defense of providers operating under a CIA with a monitor and by limiting parasitic lawsuits. Named among the 2020 *Westlaw* "Top Ten" nationally most important FCA cases.
- Defended an orthopedic distributor in USAO for the District of New Jersey investigation resulting in the case being declined.
- Defended neurosurgeons in USAO for the District of Massachusetts investigation resulting in the case being declined.

Pharmaceutical

- Defended a public pharmacy in litigation filed by the Mississippi Attorney General alleging \$25.4 billion on overbilling of Medicaid reimbursed prescriptions and won venue oral argument before the Mississippi Supreme Court. More than five years later, the case was dismissed by the attorney general without damages being paid.
- Defended the largest distributor of pharmaceuticals and oldest and largest health care company in the country in litigation brought by the Mississippi Attorney General alleging millions in fraudulent Medicaid pricing. Won venue appeal by attorney general before the Mississippi Supreme Court. Case was successfully settled.

- Defended a specialty pharmacy in parallel action by USAO for the Southern District of New York resulting in the case being declined.
- Represented a specialty pharmacy in multi-million-dollar commercial litigation action, which included significant U.S. Senate, U.S. Congress, and Centers for Medicare & Medicaid Services (CMS) lobbying. Case was dismissed with advantageous business model and allowed the continuation of operations.

Defense Contractors

- Led numerous complex internal investigations for one of the largest global defense contractors regarding estimated \$19 billion and \$2.2 billion contracts with the U.S. Navy.
- Conducted an internal investigation and defended U.S. Air Force (USAF) contractor's parts delivery and repair processes under an estimated \$50 million contract. USAF closed the matter without action or referral.

Financial Institutions

- Defended a municipal advisor in a high-profile SEC-Chicago investigation into alleged pricing of bonds and breach of fiduciary duty. After extensive work, SEC did not allege fraud charges.
- Conducted a complex internal investigation of insider mortgage fraud for a global public financial services company and its subsidiaries, resulting in suspicious activity report filings, federal referral, and terminations.

Elected Officials

- Defended a public company accused of making illegal political action committee (PAC) contributions by Travis County, Texas district attorney to then Congressman and Speaker of the House Tom DeLay. Case was declined without government action.
- Represented two Mississippi governors in their personal capacities in four cases before the Mississippi Supreme Court and/or U.S. Court of Appeals for the Fifth Circuit threatening the constitutionality of Mississippi's tort damage caps.

Appellate Practice

- Represented manufactured housing association by filing a SCOTUS amicus brief supporting ten AG's arguing a Biden EO-created DOE's Interagency Working Group on the Social Cost of Carbon promulgation of damage estimates, were: 1) an "unilateral and arbitrary attack" on state's rights that would 2) "fundamentally alter every regulatory undertaking of virtually every federal agency" 3) usurp Congress and 4) deny notice/comment/pre-enforcement review. Argued the real "social cost" would be overly paid by America's working poor and minorities, denying access to affordable housing. Showed DOE's claims were "verifiably false."

Pro Bono

- Served as court-appointed Hinds County Special Prosecutor Pro Tempore (2008 – 2018) when the district attorney had a conflict. Pro bono prosecutor of violent crime cases, including murder/manslaughter, extortion, and others, resulting in multiple convictions.
- Represented former Mississippi Presbyterian Church (USA) churches, which left their national denomination over theological and related property ownership issues.



Professional Honors & Activities

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell (2010 – present)
- Fellow – American Bar Foundation (2021 – present)
- Listed in *The Best Lawyers in America*® for Government Relations Law (2011 – 2025); Health Care Law (2013 – 2025); Antitrust Litigation (2015 – 2025); Qui Tam Law (2018 – 2025); Criminal Defense: White-Collar (2021 – 2025)
- Named the Best Lawyers® 2023 Criminal Defense: White-Collar "Lawyer of the Year" in Jackson, Mississippi
- Named the Best Lawyers® 2022 Government Relations Practice "Lawyer of the Year" in Jackson, Mississippi

- Named the Best Lawyers® 2020, 2018, and 2016 Antitrust Litigation "Lawyer of the Year" in Jackson, Mississippi
- Listed in *Mid-South Super Lawyers* in Government/Cities/Municipalities (2006) and Civil Litigation Defense (2013 – 2019)
- *Mississippi Business Journal's* "Top 10 Mississippi Leading Attorneys" (2018)
- Listed Mediator with the Mississippi Bar (2022 – present)
- Member – American Health Law Association (2004 – present)
- Adjunct Professor of Health Care Fraud – Mississippi College School of Law (2009 – 2016)
- Adjunct Professor of White-Collar Crime – Mississippi College School of Law (2009 – 2016)
- 2003 Republican nominee for Mississippi Attorney General
- Special Prosecutor Pro Tempore – Hinds County District Attorney's Office (2008 – 2018)
- Association of Certified Fraud Examiners – Regent Emeritus (2019 – present), Board of Regents (about 2002 – 2004), Member (1996 – present)
- Pro bono counsel and other work for Alliance Defending Freedom (2005 – present)
- Judicial Advisory Study Committee (appointed and reappointed to statutorily created committee by Mississippi Supreme Court Chief Justice William L. Waller, Jr.) (2008 – 2014)
- Special Counsel to the Governor's Commission for Recovery, Rebuilding, and Renewal Following Hurricane Katrina (appointed by Mississippi Governor Haley Barbour) (2005)
- U.S. Department of Health and Human Services Inspector General's "Integrity Awards" (2000, 2002)
- Special Agent – Federal Bureau of Investigation, Salt Lake City Division (March 1991 – May 1997)
 - Received numerous Commendations, Cash Incentive and Time Off Awards from FBI Director Louis J. Freeh (1993 – 1996)
- FBI Representative – U.S. Securities and Commodities Fraud Task Force (1992 – 1997)
- U.S. Securities and Exchange District Administrator Award/Commendation (1995)
- IRS Assistant Commissioners Award for Distinguished Support of IRS-CID (1995)
- Appointed to U.S. Department of Justice Health Care Fraud Working Group (about 2001 – 2003)
- Recipient – Baker Donelson Jackson Pro Bono Attorney of the Year for Hurricane Katrina work (2007)



Education

- University of Mississippi School of Law, J.D., 1990
- University of Mississippi, B.A., 1987



Admissions

- Mississippi, 1991
- Texas, 2011
- Utah, 2013
- U.S. Supreme Court, 2022