HAYNES BOONE

J. Nicholas Nick Bunch

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PRACTICES Litigation, Government Enforcement and Litigation, SEC Enforcement, Criminal Investigations and Prosecutions, Antitrust and Competition, Foreign Corrupt Practices Act (FCPA), Healthcare and Life Sciences, Intellectual Property, Crisis Management, Trials

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J. Nicholas Bunch is a partner in Haynes Boone's White Collar and Government Investigations practices. Nick is an experienced trial lawyer, appellate advocate, and former federal prosecutor, who brings an insider's perspective on how the government investigates and prosecutes white-collar criminal and civil matters.

Nick gained that unique insider's perspective over nearly 11 years at the U.S. Attorney's Office for the Northern District of Texas where he served as an Assistant United States Attorney, Deputy Criminal Chief, and Deputy Section Chief, investigating, prosecuting, and supervising healthcare, corruption, national security, cybercrime, and economic crime offenses. In those positions, he oversaw hundreds of white-collar matters involving securities fraud, healthcare fraud, accounting fraud, tax fraud, public corruption, cybercrime, and intellectual property offenses. Many of these cases involved parallel investigations with the Securities and Exchange Commission, the Texas State Securities Board, the Commodities Futures Trading Commission, the Internal Revenue Service, the Federal Trade Commission, the Civil Section of the Department of Justice, and the Texas Attorney General's Office. He was also specially designated as a Computer Hacking and Intellectual Property ("CHIP") attorney where he provided counsel to other AUSAs on the collection of digital evidence, computer forensics, technology, and the Fourth Amendment.

Nick's deep and broad government experience makes him distinctively situated to represent professionals and corporate clients in high-stakes criminal and civil investigations. Nick understands how a government attorney approaches an investigation and knows how to actively stop it before it gains momentum and results in public charges against his clients. He also has an innate appreciation for the collateral consequences of a white-collar matters, which often arise in multiple legal forums—criminal , civil, administrative, and regulatory—and understands how to successfully navigate each of those forums to provide his clients with a comprehensive resolution that minimizes the impact to their businesses and reputations.

Nick's government experience also makes him well-equipped to conduct internal investigations on behalf of clients. He has a prosecutor's eye toward gathering evidence, interviewing witnesses, advising clients of the results of the investigation, and presenting those findings to the government. He also has extensive experience in how the government can collect assets and enforce judgments to successfully

return lost funds to victims. During his time at the government, he collected numerous assets and managed the sale of property, returning millions of dollars to victims of fraud.

During his time with the government, Nick was also one of the few trial lawyers who was regularly asked to handle matters on appeal, drafting numerous briefs and arguing many times before the United States Court of Appeals for the Fifth Circuit on behalf of the United States. He uses his extensive appellate experience to build a robust attack on the government's legal theories and a trial strategy focused on the law and the facts to generate successful results for his clients.

Before joining the Department of Justice, Nick's practice included patent and appellate litigation for several years in Dallas and Houston. He served as a law clerk for Judge Patrick E. Higginbotham on the United States Court of Appeals for the Fifth Circuit. He graduated from The University of Texas School of Law in 2005 with high honors where he served as Editor in Chief of Volume 83 of the *Texas Law Review* and won a national championship in an intellectual property moot-court competition. He received a B.S. in Computer Science from Texas A&M University in 2001.

QUALIFICATIONS

EDUCATION

- J.D., The University of Texas School of Law, 2005, with high honors; Order of the Coif; Editor in Chief, *Texas Law Review*
- B.S., Computer Science, Texas A&M University, 2001

ADMISSIONS

- Texas

COURT ADMISSIONS

- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Federal Circuit

PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Congress Passes the Foreign Extortion Prevention Act, a Potent New Tool in the Fight Against International Corruption," co-author, Haynes Boone client alert, January 31, 2024.
- 5th Circ. Ruling Shows Need For Proffer Terms Negotiation, co-author, *Law360* (October 18, 2023)
- The Use (or Abuse?) of the Mail and Wire Fraud Statues, author, *Texas Lawbook* (Nov. 29, 2022)
- Corporate Fraud – Preventing, Detecting, and Resolving, co-presenter, Texas Bar Advanced Business Law (Nov. 2022)
- DOJ Provides Additional Guidance on Corporate Criminal Investigations, author, Haynes Boone Client Alert (September 26, 2022)
- Collin Street Bakery: Whistleblower Case Study, presenter, SMU's Ethics and Compliance Certificate Program (Sept. 2022)
- FBI and MI5 Sound Alarm on Covert Chinese State Interference in Private Sector, author, Haynes Boone Client Alert (July 26, 2022)

- Financial Litigation Unit Seminar, presenter, National Advocacy Center (May 2017)
- *Criminal Prosecution of Securities Fraud Cases*, 39th Annual Southwest Securities Conference (February 2016)
- Intellectual Property Seminar, National Advocacy Center (December 2015)
- *Criminal Prosecution of Securities Fraud Cases*, 38th Annual Southwest Securities Conference (February 2015)
- *Brush Up on the RCO Doctrine*, Texas Lawyer (November 2010)
- *Takings, Judicial Takings, and Patent Law*, 83 TEXAS L. REV. 1747 (2005)

PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Dallas Bar Association
- American Bar Association, White Collar Crime Section; Health Law Section
- Texas Law Review Centennial Planning Committee

SELECTED CLIENT REPRESENTATIONS

- Led internal investigation at a financial institution in response to multiple employee embezzlement matters, resulting in successful referral to law enforcement for criminal prosecution
- Counseled high-end jewelry client on Anti-Money Laundering and Bank Secrecy Act issues in the United States
- Represented physicians and health-care administrators threatened with charges under the False Claim Act; investigations ended with no charges filed against any client
- Representing numerous individuals in response to fraud charges brought by U.S. Attorney's Offices in various states
- Investigation and prosecution of the husband and wife who stole millions of dollars from the Collin Street Bakery to fund an exceptionally lavish lifestyle, a case later featured in Texas Monthly and CNBC's American Greed
- Investigation and prosecution of a hedge-fund trader who engaged in a multi-year "front running" scheme that reaped significant profits
- Investigation and prosecution of a Chief Executive Officer who manipulated his company's financial statements to mislead investors in the company's 10-K and 10-Q SEC filings
- Investigation and prosecution of an attorney involved in a penny-stock, pump-and-dump scheme
- Investigation and prosecution of multiple oil-and-gas executives
- Investigation and prosecution of a prescription-management business that utilized management service organizations to pay kickbacks to doctors and other medical professionals
- Investigation and prosecution of executives of a home-health company who submitted false claims to government insurance programs
- Investigation and prosecution of multiple doctors involved in operating illegal "pill mill" clinics that were disguised as pain management clinics
- Investigation and prosecution of a Ph.D. chemical engineer who stole trade secrets from his employer and used them to start a competing business
- Investigation and prosecution of an IT engineer who hacked into a law firm's network causing significant damage to the firm's business and systems
- Investigation and prosecution of company executives involved in the employment of unauthorized workers

Some of these representations were handled by Nick prior to his joining Haynes Boone.

AWARDS AND RECOGNITIONS

- Recognized by *Chambers USA*, Chambers and Partners, in Litigation: White Collar Crime and Government Investigations (Texas), 2024