



ANDREY SPEKTOR

Partner

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BIOGRAPHY

Andrey is an award-winning former federal prosecutor and seasoned trial and appellate advocate. His practice focuses on representing companies, boards of directors, and individuals in criminal actions, government inquiries, civil enforcement proceedings, complex commercial litigation, and appeals. He has helped clients navigate criminal and civil investigations, including ones initiated by the Department of Justice (“DOJ”), the U.S. Securities and Exchange Commission (“SEC”), and state authorities, involving alleged fraud and securities regulation matters. Andrey also works with clients to design, enhance, and implement risk-based compliance programs, as well as to conduct internal investigations, such as those stemming from whistleblower complaints and workplace misconduct.

Andrey has been repeatedly praised by federal judges, with one remarking that his work is “spectacular,” standing out from that of even the most “highly capable” lawyers. He is one of few

practicing attorneys whose scholarship has been cited by numerous panels of the U.S. Courts of Appeals. Andrey is a sought-after legal commentator and author, having been regularly featured in print and on television by The New York Times, The Wall Street Journal, and Bloomberg TV. His opinion pieces have been published by Fortune Magazine, NBC News and Bloomberg.

CRIMINAL EXPERIENCE

As an Assistant United States Attorney (“AUSA”) in the Eastern District of New York for nearly seven years, and twice recipient of Prosecutor of the Year award, Andrey conducted nine jury trials, proving allegations of bribery, tax fraud, wire fraud, making false statements, and racketeering. He is particularly familiar with the health care, financial services, energy, securities, and technology industries, and has had significant experience in investigations involving the Foreign Corrupt Practices Act (“FCPA”), cryptocurrency, and financial crimes.

In his FCPA matters, which have spanned the globe from South America to Europe, Andrey, a native Russian speaker, has investigated and prosecuted cases resulting in multi-million-dollar corporate resolutions, including with one of the world’s largest energy trading firms. He also co-lead groundbreaking cryptocurrency cases, obtaining the first-ever judicial opinion in a federal criminal case that cryptocurrencies could be regulated by securities law. He has deep knowledge of professional ethics, attorney-client privilege, and the criminal and civil liability of individuals, having handled prosecutions and jury trials of white-collar professionals.

Andrey has led dozens of grand jury proceedings and transnational investigations into companies and individuals suspected of committing securities and investment fraud, bank fraud, cybercrimes, export control law breaches, kickbacks, accounting fraud, money laundering, obstruction of justice, health care fraud, and other white-collar offenses.

CIVIL EXPERIENCE

Andrey has extensive experience in all phases of civil litigation, especially in hotly-contested federal actions, employment-related disputes, and class actions. He offers a unique perspective developed through representing plaintiffs and corporate defendants, and through his service as a law clerk to federal trial and appellate judges. Andrey also has experience with the False Claims Act and investigations related to qui tam and whistleblower complaints.

As a prosecutor, Andrey collaborated with other agencies and components of the DOJ engaged in parallel civil actions and other enforcement proceedings. He has worked with the SEC, the New York Grievance Committee, the IRS, the State Department, the Commerce Department, local district attorney offices, the Fraud Section, the Money Laundering and Asset Recovery Section, and the Consumer Protection Branch.

APPELLATE LITIGATION EXPERIENCE

Andrey has argued 15 appeals before the U.S. Court of Appeals, some of which involved important issues of first impression. He has successfully briefed several appeals before other courts, both state and federal, including the U.S. Supreme Court. In 2022, the U.S. Court of Appeals for the Second Circuit appointed Andrey to serve a three year term on the court's Criminal Justice Act Panel, which is comprised of appellate specialists who have "superior experience and proven competence."

Earlier in his career, at a top New York litigation firm, Andrey was selected to brief high-stakes dispositive motions and appeals. Years later, leadership at the U.S. Attorney's Office chose Andrey to edit other prosecutors' appellate briefs and prepare them for oral argument.

Andrey is a recognized thought leader on appellate issues. His publication on appellate waiver has been cited by the Fourth and Fifth Circuits, and prior to leaving the DOJ, Andrey co-authored an article guiding prosecutors nationwide on preserving the record at sentencing for appeals. He also co-authored articles on legal writing and lectured on the topic.

CLERKSHIPS

- Honorable Morton I. Greenberg, U.S. Court of Appeals for the Third Circuit, 2013-2014
- Honorable Brian M. Cogan, U.S. District Court for the Eastern District of New York, 2010-2011

AWARDS

- Citywealth's Top 15 US Legal Crypto Practitioners, 2022
- Federal Law Enforcement Foundation's "Federal Prosecutor of the Year" awards (twice)
- Federal Drug Agents Foundation's "True American Hero" awards (twice)

SPOKEN LANGUAGES

- Russian
- English

ADMISSIONS

- New York, 2010
- United States Court of Appeals for the Second and Third Circuit

United States District Court for the Eastern and Southern District of New York

EDUCATION

- University of Michigan, J.D., cum laude, 2009
- Cornell University, B.S., 2006

RELATED PRACTICE AREAS

- White Collar
- Securities Litigation and Enforcement
- False Claims Act
- Fintech
- Higher Education Team
- Restructuring & Insolvency/Special Situations
- Anti-Bribery & Corruption
- Finance
- Investigations
- Litigation & Dispute Resolution
- Regulation, Compliance & Advisory
- Class Actions & Mass Torts
- Crypto and Digital Assets
- Healthcare & Life Sciences
- Anti-Money Laundering Compliance
- Financial Services
- Banking Sector
- Consumer Fraud
- Insurance (Class Actions)
- Pharmaceutical & Medical Devices (Class Actions)
- Antitrust
- Appellate
- Class Actions
- Business & Commercial Disputes

EXPERIENCE

PRIVATE PRACTICE

- Represented individual in parallel SEC and DOJ investigation alleging securities fraud

- Represented trustee in a cross-border government tax investigation
- Represented pharmaceutical company in a Lanham Act counterfeit litigation
- Represented individual in a DOJ investigation into fraud related to NFTs and cryptocurrency
- Represented victim investors and creditors in connection with real estate fraud and civil litigation
- Represented investor in breach-of-contract and fraud dispute
- Represented bank employee in government investigation
- Conducted internal investigation in response to a discrimination complaint
- Drafted anti-corruption and anti-money laundering compliance policies
- Part of a team advising an elevator manufacturer in connection with a False Claims Act action
- Advised investment management company in connection with a Title VII discrimination lawsuit

GOVERNMENT SERVICE

Argued 15 Second Circuit Appeals and Briefed Many Others Including:

- Briefed and argued an issue of first impression on statutory construction; obtained favorable opinion from divided panel that resolved a split between district court judges
- Briefed and argued appeal novel constitutional issue, overcoming error below
- Briefed and argued appeal involving novel application of the Travel Act, obtaining precedent-setting opinion
- Briefed and argued appeals regarding application of new Supreme Court precedent, obtaining favorable opinion
- Argued appeal from trial involving stock manipulation, obtaining favorable opinion despite error below
- Briefed Second Circuit appeal regarding United States jurisdiction over a French citizen
- Briefed Second Circuit appeal following month-long trial involving a transnational organization

FIRST-CHAired TRIALS INCLUDING:

- Led month-long racketeering trial, securing convictions on all 26 counts
- Led trial against accountant for tax fraud, securing conviction on all 19 counts
- Led trial against criminal defense attorney accused of bribery, securing convictions on all counts
- Led trial against criminal defense attorney accused of lying to a federal agency, securing convictions on all counts

GLOBAL AND HIGHLY SENSITIVE INVESTIGATIONS INCLUDING:

- Led investigation and negotiated deferred prosecution agreement requiring trading firm to pay \$163 million in a first ever DOJ-CFTC joint resolution that also resolved charges in Brazil, Mexico and Ecuador;
- Led investigation and resolution with DOJ Fraud, with assistance from foreign authorities, to obtain \$16.6-million criminal fine for FCPA violations related to the purchase and sale of asphalt in Brazil, Venezuela, and Ecuador, as well as convictions of six individuals, including high-level executives;
- Led multi-DOJ-component team obtaining indictment against an oil trader for a five-year international bribery scheme to obtain a \$300 million contract;
- Led investigation into a Swiss-based commodities trading company, resulting in, among things, a guilty plea of a former employee and millions of dollars in forfeiture; and
- Led investigations into, among others, (a) bank alleged to have committed money laundering; (b) national medical center alleged to have committed widespread healthcare fraud; (c) executive of a credit card company alleged to have committed wire fraud; (d) individuals potentially engaging in wire fraud for investment opportunities overseas; and (e) Indian-based companies involved in computer fraud in the United States.

RESOURCES

PUBLICATIONS

- ["Feeling the Pinch: How Recent Appellate Decisions Are Adding to Financial Institutions' Regulatory Burden,"](#) Law.com, *New York Law Journal*, December 17, 2021

- "[Protecting the Record at Sentencing](#)," DOJ Journal of Federal Law and Practice (September 2021) (selected from national pool of prosecutors, co-authored with Lindsay Gerdes)
- "[Private Equity Firms Continue to Face Increased Risk of FCA Liability in a Post-Covid World](#)," *Wall Street Lawyer*, Volume 25, Issue 9, September 2021 (Co-authored with Andrey Spektor)
- "Keeping the Fox out of the Henhouse: How Recent Court Decisions and a Mid-Trial Debacle Can Help Shield Privileged Material from the Government," N.Y.L.J. (September 2021) (Co-authored with Laura Perlov, Eric Chartan, and Jaclyn Gallian)
- "The Death Knell of Issue Certification and Why That Matters After *Walmart v. Dukes*," 26 St. Thomas L. rev. 165, 172 (2014).
- "Ferrets and Truffles and Hounds, Oh My. Getting Beyond Waiver," 18 Green Bag 2d 77 (2014) (Co-authored with Michael Zuckerman)
- "Legal Writing as Good Writing: Tips from the Trenches," 14 J. App. Prac. & Proc. 303 (2013) (Co-authored with Michael Zuckerman)
- "A Primer on Preserving Objections and Arguments for Appeal in Federal Court," N.Y.L.J. (2012) (Co-authored with Gregory Silbert)
- "Judicial recusal and Expanding Notions of Due Process," 13 U. Pa. J. Const. L. 977 (2011) (Co-authored with Michael Zuckerman)

SPEAKING ENGAGEMENTS

- Panelist, "[Keeping the Fox Out of the Henhouse: How Recent Court Decisions and a Mid-Trial Debacle Can Help Shield Privileged Material From the Government](#)," Thomson Reuters West LegalEdcenter, November 1, 2021
- Guest Lecturer, Legal Writing, Northwestern School of Law, 2021.

RELATED INSIGHTS

News

Apr 04, 2024

Sam Bankman-Fried sentencing insight: Partner Andrey Spektor comments on legal landmark

News

25 March 2024

BCLP advises Huuuge, Inc. on its minority investment in an Israeli Gaming company

International law firm has BCLP advised Huuuge Inc (“Huuuge”), on its minority investment in an Israeli Gaming company. The company will use the investment to grow its team, invest in user acquisition and execute the roadmap for its core game.

News

Mar 19, 2024

BCLP partner Andrey Spektor offers analysis on Hunter Biden’s prosecution and tax case

Insights

Feb 23, 2024

FinCEN proposes AML/CFT rules for investment advisers

Insights

Jan 18, 2024

Do regulators now expect firms to monitor communications using AI?

News

Aug 24, 2023

Partner quoted in ‘National Law Journal’ on conflicting Circuit court decisions

Insights

Jun 15, 2023

U.S. Health Care Industry: Risk Mitigation Tips in the Post-Supervalu FCA Landscape

News

May 19, 2023

Partner quoted in ‘National Law Journal’ on the overturning of some of the ‘Varsity Blues’ convictions

News

May 12, 2023

Partner quoted in ‘Law360’ articles on Varsity Blues conviction reversal