



## Jack Cinquegrana

SENIOR COUNSEL

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Jack Cinquegrana is a nationally-recognized trial lawyer and bar leader, with over 30 years of experience in public service, government enforcement defense, and litigation. As head of Choate's Government Enforcement practice for two decades, Jack has represented scores of companies and their officers in DOJ investigations and prosecutions, SEC and private securities fraud litigation, False Claims Act litigation, and high stakes internal investigations. Jack is a Fellow of the American College of Trial Lawyers and has served as Special Counsel to the Massachusetts Supreme Judicial Court, President of the Boston Bar Association, and a member of the Massachusetts Sentencing Commission. He is a former Assistant United States Attorney and Chief Trial Counsel in the Suffolk County District Attorney's Office. In 2017 he was selected as a Fellow in Harvard University's Advanced Leadership Initiative. Jack teaches a course on federal white collar practice at New England Law/Boston; serves as a member and former Chair of the Committee for Public Counsel Services, the governing board of Massachusetts' public defender agency; and is a Director of the Pine Street Inn, New England's largest organization serving homeless men and women.

### Focus Areas

Litigation and  
Investigations

Government  
Enforcement,  
Investigations &  
Compliance

### Representative Engagements

- Defense of a global information technology company in a DOJ investigation regarding alleged fraud in government contracts. After investigation, DOJ declined to take action.
- A global asset management firm in an internal investigation involving governance issues.
- Defense of a global financial institution in a DOJ money laundering investigation, settled favorably.
- Defense of the CEO of a public pharmaceutical company in investigations by the DOJ and the SEC, and in defense of private securities and False Claims Act litigation. The DOJ and SEC declined action, and the private cases were resolved favorably.
- Defense of the CFO of a global health care company in a SEC investigation into reporting practices and FCPA issues. After investigation the SEC declined to take action.
- Multiple global pharmaceutical companies and their executives in DOJ investigations regarding the sale and marketing of products, internal investigations, and False Claims Act litigation.
- A national academic institution in a federal investigation regarding academic integrity and grant administration. The government declined to take action.
- Special Counsel to the Massachusetts Supreme Judicial Court, for the purpose of conducting an independent inquiry regarding the Massachusetts District Courts and the Boston Municipal Court.
- Multiple public and private companies and their officers in internal investigations and SEC actions regarding regulatory reporting, revenue recognition, public disclosures, whistleblower claims, insider

trading, and related litigation.

#### Publications and Presentations

- “Trends in Qui Tam Litigation,” moderator, Boston Bar Association Life Sciences Conference, October 2019
- “Recent Developments in Regulatory Investigations and Financial Institution Litigation,” presenter, Bank of America CLE Seminar, New York, 2019
- “A Smart Alternative to Minimum Sentencing,” author, *Massachusetts Lawyers Weekly*, June 2015
- “Prosecutors, Public Defenders Need a Pay Hike,” quoted, *The Boston Globe*, January 2015
- “Low Pay Blamed for High Turnover Among Public Defenders,” quoted, *The Boston Globe*, January 2015
- “Report of the Commission to Study Compensation of Assistant District Attorneys and Staff Attorneys for the Committee for Public Counsel Services,” December 2014 (as a member of the Commission)
- “A New Trend in Health Care Fraud Settlements,” co-author, *White Collar Law360*, March 2013
- “\$104M Whistleblower Award – A Sign of Things to Come,” co-author, *Law360*, December 2012
- “The Intersection of Government Agencies & Internal Corporate Investigations & The Mistakes Companies Make,” panelist, Lawyers Weekly Business & Law Breakfast Forum, December 2012
- “SJC Urges Change for Drunken Driving Cases,” featured, *The Boston Globe*, November 2012
- “Retaliation Claims, Whistleblower Claims and the False Claims Act,” panelist, National Association of College and University Attorneys, June 2012
- “Innovate @ Litter: 70 Years of Employment and Labor Law Solutions: Retaliation & Whistleblowing Workshop,” panelist, The Executive Employer Conference, May 2012
- “A Reg FD Reminder from Social Media,” *White Collar Law360*, June 2012
- “Liability Without Fault: New Enforcement Trends Against Corporate Executives,” *Bloomberg Law Reports*, February 2011
- “Q&A with Choate’s Jack Cinquegrana,” *White Collar Law360*, December 2010
- “A Securities Litigator’s Guide to D&O Insurance: Parts I and II,” *Securities Law360*, October 2010
- “A Securities Litigator’s Guide to D&O Insurance,” panel presentation, ABA National Institute on Securities Fraud, October 2010
- “D&O Insurance, Indemnification and Advancement, ABA National Institute on Internal Corporate Investigations and In House Counsel,” panel presentation, May 2009 and 2010
- “Trends in Government Enforcement, Center for Business Intelligence, Pharmaceutical Compliance Congress,” January 2010
- “Fraud & Abuse in the Sale & Marketing of Drugs,” moderator, American Conference Institute, April 2008
- “Tackling Diversity at Top Law Firms,” *Boston Globe* Spotlight Interview, 2007
- “A Special Responsibility,” *Boston Bar Journal*, May/June 2007
- “Can We Be Silent?,” *Boston Bar Journal*, March/April 2007
- “Two Very Different Days,” *Boston Bar Journal*, January/February 2007
- “Step-By-Step Guide to Conducting Internal Investigations for the Pharmaceutical Industry,” presenter, American Conference Institute, January 2007
- “Counting on New Lawyers,” *Boston Bar Journal*, November/December 2006
- “Work in Progress,” *Boston Bar Journal*, September/October 2006
- “New President Defined by Passion for Public Service,” *Boston Bar Journal*, September/October 2006
- “Justice’s Defense Must Never Rest, Letter to the Editor,” *Boston Herald*, October 13, 2006
- “Increasing Scrutiny and Shifting Theories,” *Pharmaceutical Executive*, August 2006
- “Legal: Shifting Perspective on Off-Label Promotion,” *Pharmaceutical Executive*, January 2006

- "The USA Patriot Act in 2005," *Boston Bar Journal*, November/December 2005
- "United States Sentencing Guidelines 2004: An Experiment that has Failed, American College of Trial Lawyers," September 2004 (as a member of the College's Task Force on the United States Sentencing Guidelines)
- "Special Trial Issues (with Josh Wall)," Massachusetts Superior Court Criminal Practice Manual, Massachusetts Continuing Legal Education, 2003, 2006
- "The USA Patriot Act: Effects on American Employers and Businesses," *Boston Bar Journal*, May/June 2002
- "Crisis in Corrections in Massachusetts, a Report of the Boston Bar Association's Task Force on Justice," Boston Bar Association, 1991

## Professional & Community Involvement

Jack's professional activities have involved service to the bar, public interest organizations and legal education, including:

- President of the Boston Bar Association (2006-2007)
- Member and former Chair of the Committee for Public Counsel Services, the governing board of Massachusetts' public defender agency, which provides legal representation to indigent persons in criminal and civil cases throughout the state (2012-present); Member (2009-2012)
- Board of Directors, Pine Street Inn (2017-present)
- Special Counsel to the Massachusetts Supreme Judicial Court, for the purpose of conducting an independent inquiry regarding the Massachusetts District Courts and the Boston Municipal Court
- Member of the Commission to Study the Compensation of Assistant District Attorneys and Staff Attorneys for the Committee for Public Counsel Services, by appointment of the Governor (2014)
- Committee on Judicial Performance Evaluation, by appointment of the Supreme Judicial Court (2013-2014)
- Member of the American Bar Association's nine-member Criminal Justice Standards Committee, which monitors, updates and implements the ABA's Standards for Criminal Justice. Jack served as a reviewer of the ABA Standards for Criminal Justice: DNA Evidence (2007) and ABA Standards for Criminal Justice: Prosecutorial Investigations (2008)
- Member of the Massachusetts Sentencing Commission, by appointment of the Governor (2004-2005)
- Member of the American College of Trial Lawyers' Massachusetts State Committee and Federal Criminal Procedure
- Over ten years' of service as an officer and director of the Crime and Justice Foundation (now Community Resources for Justice) in Boston, a non-profit organization providing support and advocacy for individuals transitioning from the adult and juvenile criminal justice
- Adjunct Faculty member at New England Law School, teaching Federal White Collar practice
- Instructor in trial practice at Harvard Law School, The Attorney General's Advocacy Institute in the Department of Justice, Boston College Law School, Suffolk University Law School, the Massachusetts Academy of Trial Attorneys, Massachusetts Continuing Legal Education and the Boston Bar Association

## Education & Credentials

- Boston College Law School, JD (1978)
- Cornell University, BA (1974)

## Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, First Circuit
- Massachusetts

## Clerkships

- Honorable Raymond J. Pettine, U.S. District Court, District of Rhode Island