



Wes J. Camden

Partner

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Wes Camden works with clients who find themselves under scrutiny from the government. His goal in each representation is to craft a solution that is tailored to the client's need. In some cases, that calls for compiling a team to manage the response to a large-scale government investigation or prepare for trial. In others, it can be as simple as a phone call to the investigating agents to clear up confusion about a business practice. Wes's clients range from Fortune 500 companies to small business owners and professionals, and the work he does for those clients spans from the boardroom to the courtroom.

Investigations and Compliance Practice

Almost every sector of the economy is touched by either state or federal regulatory oversight. Wes relies on his experience as a former federal prosecutor to anticipate areas of concern that will likely be the focus of a government investigation and develop strategies to address those concerns. He also uses this experience to guide clients through the process of investigating and responding to potential compliance problems and implementing efficient and effective control measures.

Any business that has become aware of a potential compliance problem is well-served to investigate the issue thoroughly and develop a response plan before the government shows up. Wes has extensive experience conducting internal investigations to discover the facts and prepare an appropriate response.

But, in many cases, the first sign of a potential compliance problem is a request for information from the government, whether it's a Civil Investigative Demand, a ZPIC Audit, an agency subpoena from the SEC, IRS, or EPA, or a federal grand jury subpoena. Wes has extensive experience working with businesses and individuals to effectively respond to a government request for information while limiting the client's potential exposure. This work includes helping people prepare to testify before government

agencies or the federal grand jury.

Wes also routinely represents organizations that are the victims of crime by conducting investigations on their behalf into potentially unlawful activity. In some instances, he has assisted the company with reporting unlawful conduct to the government. In others, he has negotiated non-public resolutions. In either case, the strategy is tailored to the client's goals.

Litigation Experience

Wes's best work will never see the light of day because it means he has achieved a non-public outcome for the client. This could involve convincing the government to walk away from the case altogether or reaching a mutually satisfactory settlement to the investigation.

However, there are some instances where there is no other choice than going to court.

Wes began his career as a federal prosecutor in the Eastern District of North Carolina. Since leaving that office in 2008, he has represented numerous clients in cases against the government in state and federal court. He has extensive experience leading a team in defense of his clients, preparing for every aspect of a trial and executing in the courtroom. He strongly believes that each case demands a creative litigation strategy.

His trial experience includes cases involving claims of bank fraud, wire fraud, money laundering, securities fraud, investment advisory fraud, identity theft, computer hacking and violations of the Clean Water Act. Wes has also represented numerous clients accused of health care fraud, ranging from federal criminal prosecutions to civil False Claims Act cases.

Beyond his federal experience, Wes has litigated numerous civil and criminal cases against the Securities Division of the North Carolina Secretary of State's Office and the Consumer Protection Division of the North Carolina Attorney General's Office.

In addition to trial court work, Wes has handled numerous appeals at the United States Court of Appeals for the Fourth Circuit. And he has litigated on behalf of persons previously convicted of crimes, including arguing for a client's prior money laundering conviction to be vacated and his sentence modified to time served.

Finally, Wes has represented clients in federal forfeiture matters. In those cases, he has represented both persons who have been the subject of forfeiture proceedings and businesses whose assets were seized in connection with criminal proceedings.

Recognition and Education

Numerous publications have recognized Wes' work. He is listed in *North Carolina Super Lawyers* (2015-present), which has also named him among the top 100 lawyers in North Carolina (2018-present).

He has been named among North Carolina's "Legal Elite" by *Business North Carolina* for Criminal Law (2014-present), and in 2019, he was named to their "Legal Elite Hall of Fame." He is also listed in *The Best Lawyers in America* ©

(2018-present) and was named a Fellow of the Litigation Counsel of America in 2018.

He earned his Juris Doctor degree from the Wake Forest School of Law in 2004, and a Bachelor of Science degree, *cum laude*, from Belmont University in 2000.

Practice Areas

- Litigation
- White Collar and Investigations

Experience

THE CASES MENTIONED BELOW ARE ILLUSTRATIVE OF THE MATTERS HANDLED BY MR. CAMDEN. CASE RESULTS DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH CASE. NOT ALL CASE RESULTS ARE MENTIONED BELOW. PRIOR RESULTS DO NOT GUARANTEE A SIMILAR OUTCOME.

Investigations and Compliance Matters

Wes routinely helps executives and companies with conducting internal investigations, assisting with subpoena compliance and interfacing with various state and federal regulators to address compliance concerns. Listed below are examples of matters he has handled in the past:

- Conducted an internal investigation into potential insider trading and Reg FD violations for a publicly traded biopharmaceutical company. Reported findings to board of directors along with recommendations for updating control measures. Drafted new Code of Conduct and Ethics and Audit Committee Charter to facilitate future compliance with securities laws.
- Represented publicly traded multinational software company in investigation of employee embezzlement. Identified over \$100,000 of that had been misappropriated by former employee and negotiated return of stolen funds. Coordinated closely with general counsel to develop strategy for responding to embezzlement while ensuring compliance with all reporting obligations.
- Conducted an internal investigation into potential violations of the Foreign Corrupt Practices Act on behalf of a multinational privately held manufacturing company. Identified weaknesses in compliance programs and addressed those weaknesses by drafting FCPA Compliance Program and conducting training of key personnel.
- Worked with multinational publicly traded tobacco distributor to develop compliance and response policies, including protocol for responding to the execution of a search warrant at the company.
- Represented pharmacy chain in response to joint state-federal investigation into potential violations of the False Claims Act. Conducted internal investigation into client's potential exposure and negotiated favorable resolution to investigation.
- Represented an employee of a publicly traded multinational biotechnology company in connection with responding to an investigation by the SEC into potential insider trading issues. Coordinated production of documents and represented client through interview process, resulting in declination

letter as to client.

- Represented an employee in connection with responding to an investigation by the Department of Justice and the SEC into potential Foreign Corrupt Practices Act violations by a publicly traded multinational corporation. Coordinated production of documents and represented client through interview process.
- Represented employees and executives of a Fortune 500 manufacturing company responding to a multi-jurisdictional federal investigation into potential violations of federal environmental laws. Worked closely with outside counsel for the company in preparing clients to respond to subpoenas for documents and testimony.

Litigation Matters

In addition to investigations and compliance work, Wes has extensive experience responding to enforcement proceedings. He routinely represents clients before regulators and enforcement agencies and has appeared on behalf of several clients at trial. Below is a sample of enforcement proceedings he has been involved with in the past:

- Represented former community bank executive charged by the U.S. Attorney's Office for the Middle District of North Carolina with 27 counts of bank fraud, misappropriation of bank funds and money laundering, as well as conspiracy to commit those offenses. Client acquitted on all counts at the conclusion of a month-long jury trial.
- Represented client at trial in what is believed to be the very first computer hacking prosecution in the United States District Court for the Eastern District of North Carolina under 18 U.S.C. § 1030(a)(5)(A), the most serious violation possible under the federal Computer Fraud and Abuse Act. Jury was unable to reach a verdict at the conclusion of trial. Client subsequently accepted responsibility for alleged offenses and received a sentence that was a downward variance from the range recommended by the Federal Sentencing Guidelines.
- Represented large-scale poultry producer at trial in federal prosecution by the Department of Justice Environment and Natural Resources Division for violations of the Clean Water Act for failing to comply with municipal ordinance regarding wastewater pretreatment. After trial, client was acquitted of multiple counts, and for the counts of conviction, was sentenced to pay a fine in an amount which was less than 10% of the government's final settlement demand.
- Represented former employee of a publicly traded semiconductor manufacturer in federal criminal prosecution in the Middle District of North Carolina for theft of trade secrets. After conducting extensive pretrial litigation, client accepted responsibility for alleged offense and received a sentence that was a substantial downward variance from the range recommended by the Federal Sentencing Guidelines.
- Represented client in responding to prosecution for fraud scheme involving diversion of corporate marketing funds. After multiple vigorously contested sentencing proceedings, the court sentenced the client to 18 months, with a recommendation for immediate designation to a halfway house. This sentence was a substantial downward variance from the range recommended by the Federal Sentencing Guidelines and well below the sentence sought by the government.
- Represented attorney accused of bank fraud in connection with real estate transactions.

Negotiated resolution that limited client's exposure, and successfully argued for a sentence that was a substantial downward variance from the range recommended by the Federal Sentencing Guidelines.

- Represented community bank in connection with forfeiture proceedings arising from prosecution of former bank customer. Successfully negotiated the recovery of over \$3 million in loan collateral that had been seized as a part of the federal investigation.
- Negotiated a civil, rather than criminal, resolution on behalf of a client accused of submitting false information in connection with a federal contract regarding air quality testing conducted pursuant to the Clean Air Act.
- Represented owner of privately held construction site development company in response to federal investigation into potential violations of the Clean Water Act. The U.S. Attorney's Office ultimately declined prosecution.
- Represented client in post-conviction proceedings in which he sought to have his money laundering conviction vacated based on the Supreme Court's decision in *United States v. Santos*. The District Court granted the requested relief, modified the client's sentence to time served and reduced his restitution judgment to nothing.

Education

- Wake Forest University School of Law (J.D.), 2004
- Belmont University (B.S.), 2002
cum laude

Professional Affiliations

- Federal Bar Association, Eastern District of North Carolina Chapter – Past President (2012-2013)
- Greater Raleigh Chamber of Commerce, Leadership Raleigh – Class of 2012
- North Carolina Bar Association, Criminal Justice Section – Section Counsel (2011-2013)
- National Association of Criminal Defense Lawyers
- Litigation Counsel of America – Fellow

Awards

- *North Carolina Super Lawyers* - Top 100 in North Carolina (2018-present)
- *North Carolina Super Lawyers* - Criminal Defense: White Collar Law (2015-present)
- *Business North Carolina's* – "Legal Elite Hall of Fame," Criminal Law (2019)
- *Business North Carolina* – "Legal Elite," Criminal Law (2014-present)
- *The Best Lawyers in America* [©] – Criminal Defense: White Collar (2018-present)