

Bill Athanas

PARTNER



(205) 226-5703
bill.athanas@wallerlaw.com

Assistant: Gina L. Ingram
(205) 226-5736
gina.ingram@wallerlaw.com

1901 Sixth Avenue North, Suite 1400
Birmingham, AL 35203
205.214.6380
205.214.8787

Bill Athanas represents institutional clients and individuals involved in government enforcement matters, with a focus on federal grand jury investigations. He draws on over 25 years of white collar experience, roughly a third of which was spent as a federal prosecutor. Bill has handled hundreds of complex criminal cases and represented clients in all facets of those matters – whether as subjects, targets, or witnesses, or those who simply receive subpoenas for documents. Wherever the road leads in a federal criminal investigation, Bill knows the path because he has traveled it before.

In representing clients under investigation for potential wrongdoing, Bill devotes a significant amount of his practice on pre-indictment advocacy. This involves gathering vital factual context and providing legal analysis and argument in an effort to dissuade prosecutors from ever filing charges against his clients. This approach has been successful in helping numerous individuals – including several formally identified as "targets" – avoid prosecution entirely. Clients benefit from Bill's understanding of how government charging decisions are made. Bill recently authored an article setting forth the factors that drive those decisions, and explaining how knowledge of that process can illuminate a client's strategic choices during the investigation phase.

For clients charged with wrongdoing, Bill recognizes the value of vigorous response to the government's allegations. He was recently engaged to represent a client facing charges of insurance fraud and identity theft. He quickly conducted a thorough factual investigation, the results of which he presented to the government along with a detailed review of the law explaining why the case was unsound. The prosecutor agreed and dismissed the matter with prejudice.

When indicted cases move forward, Bill calls upon his extensive trial experience to test the government's evidence where the circumstances warrant. During his career, he has tried over twenty cases to verdict, including fifteen in federal court.

Where the circumstances favor reaching a negotiated resolution, Bill has vast experience securing favorable plea agreements. He recently resolved a lengthy public corruption prosecution by securing a binding plea from the government to a year and day incarceration – a mere fraction of the exposure the client faced. Bill is particularly effective representing cooperating witnesses, including his recent representation of a cooperator who faced a substantial sentence in a compounding pharmacy prosecution. Bill worked to ensure that the information his client provided – which led directly to the pleas of two other individuals – was taken into account when the defendant was sentenced to a year

of incarceration. Once again, this sentence was a mere fraction of the sentence faced. Bill recently published an article in *The Champion*, the official publication of the National Association of Criminal Defense Lawyers, detailing this process.

In addition to this work, Bill regularly counsels institutional clients on compliance measures calculated to help ensure full compliance with applicable law. Bill has worked extensively in anti-corruption matters, where his in-depth knowledge of the Foreign Corrupt Practices Act (FCPA) enables him to counsel clients engaged in international business. Bill's experience includes handling FCPA cases as a prosecutor and advising companies in a wide range of industries, including manufacturing, gaming, pharmaceutical, automotive, apparel, resource extraction and professional sports. As part of this work, he regularly provides training for key employees, creates and enhances anti-corruption policies and protocols, conducts internal investigations and provides day-to-day advice and counsel as anti-corruption issues arise.

Additionally, Bill conducts internal investigations on behalf of clients in the healthcare, manufacturing and financial services industries – whether as part of ongoing government inquiries or otherwise. Bill has written and lectured extensively on how to conduct internal investigations efficiently and effectively, and in a manner which inspires the confidence of prosecutors and regulators. Bill's prosecutorial experience helps him maximize his corporate clients' ability to recover for harm suffered as a result of wrongdoing by internal or external actors.

EXPERIENCE

- **Client secures non-prosecution agreement in major fraud prosecution**

Secured a non-prosecution agreement for an individual in an investigation conducted by the U.S. Attorney's Office for the Southern District of New York which produced a major securities fraud indictment.

- **Pharmacy employees face federal RICO suit**

Defending a group of employees against a federal RICO suit filed by a manufacturer of blood glucose test strips.

- **Former EPA official faces public corruption prosecution**

Currently defending Onis "Trey" Glenn, the former presidentially appointed Region 4 Administrator for the United States Environmental Protection Agency, in defense of alleged violations of the Alabama Ethics Act.

- **Multiple employees connected to grand jury investigation in Alabama**

Represented individuals in connection with a grand jury investigations conducted by the Alabama Attorney General's Office and the U.S. Attorney's Office for the Northern District of Alabama.

- **Publicly traded client connected with grand jury investigation**

Represented a publicly traded client in connection with a grand jury investigation by the U.S.

Attorney's Office for the Northern District of Georgia.

- **Large privately held client conducts internal investigation regarding misconduct**
Conducted an internal investigation for a large, privately held client regarding misconduct by employees.
- **Apparel company files breach of contract dispute**
Represented an apparel company in a breach of contract dispute with one of its brands.
- **Laboratory connected with grand jury investigation**
Represented a laboratory in connection with a grand jury investigation conducted by the U.S. Attorney for the Middle District of Alabama.
- **Former official connected with investigation of federal “revolving door” statute**
Represented a former high level official in connection with an investigation of federal “revolving door” statute.
- **Individual connected to investigation involving public corruption**
Represented an individual in connection with a grand jury investigation by the U.S. Attorney's Office for the Northern District of Georgia involving public corruption.
- **Client investigated by Florida U.S. Attorney regarding violation of federal tax laws**
Represented a publicly traded client in connection with a grand jury investigation conducted by the U.S. Attorney for the Southern District of Florida which focused on vendor's violation of federal tax laws.
- **Healthcare provider settles FCA investigation regarding payment for genetic testing**
Represented a healthcare provider in connection with ongoing False Claims Act investigation conducted by U.S. Attorney's Office for the Western District of Washington regarding payment for genetic testing.
- **Individual named in connection with criminal investigation**
Represented an individual in connection with a criminal investigation being conducted by the Department of Justice Antitrust Division; matter concluded without client being charged.
- **Public company launches internal investigation regarding vendor relationships**
Conducted an internal investigation for a publicly traded company regarding alleged improper relationships with vendors.
- **Client involved in internal investigation regarding possible improper billing practices**
Conducted an internal investigation for a publicly traded client into complaint about possible improper billing practices.
- **Representation of witnesses in state and federal grand jury investigations**
Represented employees of a professional firm in connection with grand jury investigations conducted by the U.S. Attorney's Office for the Northern District of Alabama and the Alabama Attorney General's Office.
- **Healthcare provider charged in federal public corruption investigation**
Represent a healthcare provider in defense of an indictment returned in a large federal public corruption investigation.

- **Client involved in internal investigation related to alleged product quality deficiency**
Conducted an internal investigation for a publicly traded client regarding alleged product quality deficiency.
- **Individual involved in DOJ criminal investigation of automobile emissions testing**
Represented an individual client in connection with an ongoing Department of Justice criminal investigation of automobile emissions testing of automobiles.
- **Internal investigation conducted on behalf of publicly traded client**
Conducted an internal investigation and responded to a federal grand jury subpoena for documents on behalf of publicly traded client in connection with ongoing public corruption investigation of a former public official.
- **Former Governor of Alabama involved with ongoing state and federal criminal investigations**
Represented then-Governor of Alabama in connection with ongoing state and federal criminal investigations and inquiry being conducted by Alabama Ethics Commission.
- **Healthcare provider identified as target of federal grand jury investigation**
Represented a healthcare provider identified as target of a federal grand jury investigation conducted by the U.S. Attorney's Office for the Northern District of Alabama; matter closed without any charges against client.
- **Client absolved of federal healthcare criminal investigation**
Represented an individual in a criminal case and civil FCA investigation in connections with federal healthcare services. The criminal case closed without any charges filed, and the FCA investigation settled on favorable terms.
- **Public company launches internal investigation concerning alleged improper conduct**
Conducted an extensive internal investigation for a publicly traded client concerning alleged improper conduct by a department head.
- **Pharmacy chain investigated due to alleged unlawful distribution of controlled substances**
Represented employees of a pharmacy chain in connection with a grand jury investigation conducted by the U.S. Attorney's Office for the Northern District of Alabama regarding alleged unlawful distribution of Schedule II controlled substances.
- **Witnesses deposed in response to CID relating to False Claims Act investigation**
Represented witnesses deposed in response to a civil investigative demand (CID) relating to a False Claims Act investigation for a medical practice in South Alabama. The investigation was conducted by U.S. Attorney for the Southern District of Alabama.
- **Dermatology practice subject to a civil enforcement action**
Represented a dermatologist and dermatology practice in a civil enforcement action filed by Department of Justice in the Western District of Tennessee alleging violations of federal False Claims Act. Matter settled for an amount below anticipated defense costs.
- **Management services company involved in FCA investigation related to dental claims**

Represented a management services company in connection with a federal False Claims Act investigation of dental claims in the Western District of Kentucky.

- **Pain management practice involved in multi-state government investigations**

Represented a pain management practice in a federal grand jury investigation conducted by U.S. Attorney for the Eastern District of Louisiana (criminal) and a civil False Claims Act investigation conducted by the U.S. Attorney for the Southern District of New York; both matters closed without any action taken against client.

- **Federal criminal investigation charges dropped for financial institution officer**

Represented a financial institution officer identified as target in a federal criminal investigation in the Northern District of Alabama relating to alleged nominee loans; matter closed with no charges filed against client.

- **Medical practice involved in investigation related to Food, Drug and Cosmetic Act violations**

Represented a medical practice in a federal investigation of potential violations of the Federal Food, Drug and Cosmetic Act relating to alleged importation of unapproved and misbranded medications. The criminal investigation was conducted by US Attorney's Office for Eastern District of Virginia. Matter closed with no charges filed.

- **Corporate entities connected to ongoing federal grand jury investigation**

Represented multiple corporate entities in ongoing federal grand jury investigation in the Northern District of Alabama regarding alleged improper receipt of federal grant funds.

- **Oncology practice responds to Civil Investigative Demand**

Represented an oncology practice in response to a CID issued by the U.S. Attorney's Office for the Southern District of New York.

- **Management service company involved in federal grand jury investigation of dermatology practice**

Advised a management service company regarding a federal grand jury investigation of a dermatology practice for whom it provided management services.

- **Pain management clinic named as target of criminal investigation in Alabama**

Represented a pain management clinic named as a target of a criminal investigation conducted by the U.S. Attorney's Office for the Northern District of Alabama. The matter closed with no charges.

- **Former chair of audit committee involved in an SEC investigation**

Represented a former chair of a publicly traded company audit committee in SEC investigation regarding alleged securities fraud.

- **CEO charged with federal fraud and tax offenses**

Represented a former CEO of a local company charged in the Northern District of Alabama with federal fraud and tax offenses.

- **Several individuals connected to federal securities fraud investigation**

Represented individuals in defense of securities fraud federal grand jury investigation in the

Northern District of Alabama; matter closed without any client being charged.

- **Alleged insider trading investigation against individual settled**

Represented an individual in a Securities and Exchange Commission investigation regarding alleged insider trading. Matter settled on favorable terms.

- **Individual charged with conspiracy, wire fraud and healthcare fraud**

Represented an individual charged with conspiracy, wire fraud and healthcare fraud in the Eastern District of Louisiana.

- **Individual charged with fraud and commercial bribery in Louisiana**

Represented an individual charged with fraud and commercial bribery in sentencing proceedings in the Eastern District of Louisiana.

- **Group of officers and directors connected to criminal securities fraud grand jury investigation**

Represented a group of officers and directors of Superior Bancorp in criminal securities fraud grand jury investigation being conducted by the U.S. Attorney for the Northern District of Alabama.

- **Large publicly traded entity defends False Claims Act qui tam litigation**

Represented a large, publicly-traded entity in the defense of False Claims Act qui tam litigation filed in the Northern District of Alabama.

- **Former officers and directors named in financial litigation case by FDIC**

Represented former officers and directors of federally insured financial institutions in Alabama and Florida in connection with claims asserted by Federal Deposit Insurance Corporation.

- **Outside directors dismissed of claims following of one of the largest U.S. bank failures**

Defended outside directors of Colonial Bank and its sole shareholder, Colonial Bancgroup, Inc., following the bank's failure against multiple lawsuits included securities fraud, suits against the directors, and shareholder derivative lawsuits. We obtained dismissals of certain actions and successfully settled the remaining claims within the officers' D&O insurance.

EDUCATION

- J.D., *cum laude*, Suffolk University Law School, 1995
 - Suffolk University Law Review
- B.S., University of New Hampshire, 1992

COURT ADMISSIONS

- U.S. Court of Appeals for the First and Eleventh Circuits
- U.S. District Court, All Districts of Alabama
- U.S. District Court, All Districts of Massachusetts

- U.S. District Court, All Districts of New Hampshire

BAR ADMISSIONS

- Alabama
- Massachusetts
- New Hampshire

RECOGNITIONS

Chambers USA

- Litigation: General Commercial (Alabama), 2019-2022

The Best Lawyers in America® (BL Rankings)

- Criminal Defense: White-Collar, 2019-2022

Mid-South Super Lawyers (Thomson Reuters)

- Super Lawyers - Criminal Defense: White Collar, 2013-2021

B-Metro Top Lawyers

- White Collar Criminal Defense, 2018

PROFESSIONAL INVOLVEMENT

- Chair, White Collar Crime Committee of the Criminal Justice Section of the Alabama Bar (2014-present)
- Chair, Alabama Bar Association, International Law Section (2011-present)
- Fellow, Birmingham Bar Foundation (2021-present)

UP CLOSE

When not practicing law, Bill spends as much time as possible with his wife and young daughter. More often than not, they are on the search for their next great meal.