



→ Robert D. Rose

Retired - Of Counsel

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Robert D. Rose is retired from the firm and is now Of Counsel. He specialized in white collar criminal defense and trials of complex business litigation, in the state and federal courts.

Areas of Practice

Criminal Defense

Mr. Rose was a federal prosecutor for twelve years, followed by the last twenty-nine years as a defense attorney. He has prosecuted organized crime figures, utilizing electronic surveillance, informants, witness protection and grand juries. He has tried cases as a cross-designated Deputy District Attorney. He convicted J. David Dominelli, responsible for an \$80 million Ponzi scheme involving international arbitrage and bankruptcy fraud. As a defense attorney, he represents clients with criminal and civil exposure from governmental inquiries. He defended Gary Naiman, the president of Pioneer Mortgage, a \$200 million Ponzi scheme involving collateralized mortgage pools.

Securities Fraud

Mr. Rose represented targets, witnesses, stock issuers, and professionals in pre-filing investigations conducted by securities regulators, as well as in filed actions. He has defended: corporate officers charged with accounting fraud; options backdating and insider trading; issuers engaged in real estate promotion; a law firm whose clients sold commodities contracts; telemarketers selling unregistered securities; a registered representative selling variable annuities from an insurance agency; an insurance company selling unregistered securities; the directors of a conglomerate, sued for breaches of fiduciary duty in a hostile takeover by a publicly traded corporation; accountants and lawyers accused of making misrepresentations.

He has served as counsel and a panelist in FINRA arbitrations.

Business Litigation

Mr. Rose regularly appeared in federal and state courts in a variety of matters, often involving fraud allegations. He is expert in RICO prosecution and defense, both civil and criminal. His clients have included individuals and businesses named in qui tam suits and FDIC actions. He has successfully defended claims of libel, defamation, breaches of fiduciary duties, unfair business practices and professional negligence.

Regulatory and Investigative Advice

Part of Mr. Rose's practice stressed avoidance and prevention of criminal conduct within corporations. He advised and represented clients experiencing grand jury subpoenas, search warrants and Civil Investigative Demands. He also conducted internal investigations on behalf of corporations suspected of improper conduct, such as FCPA, illegal stock options, conflicts of interest and misstatements of scientific advances.

Cybersecurity

Mr. Rose counseled companies with the questions that directors and management should be asking to assure the best protection for customer information, financial data, trade secrets, customer lists, etc., that are vulnerable to hacking from outside and misappropriation from within. He worked with businesses which have suffered from data breaches that must be repaired, losses that must be mitigated and the civil and criminal exposures.

Healthcare

Mr. Rose represented a university ER physician targeted for VA program fraud; an organ transplant surgeon targeted in a DOJ investigation of UNOS reporting deficiencies; a psychologist facing license loss based on improper patient contacts; a methadone clinic owner being investigated for fraud; surgeons needed as witnesses in an investigation of a manufacturer's misrepresentations of off-label use.

Class Actions and Derivative Suits

Mr. Rose has significant experience in a variety of class actions involving securities and employment issues. He represented former executives of a publicly traded computer manufacturer in consolidated class actions arising from restatements of earnings and insurance company executives sued for investment losses.

Public Corruption

Mr. Rose represented the key witness and co-defendant in the prosecution of Las Vegas and San Diego elected officials for accepting money to protect his strip club businesses. He successfully defended a municipal union leader serving on San Diego's employer retirement board, charged with conflict of interest for his role on a city contribution measure.

Honors

AV® rating from Martindale Hubbell

Best Lawyers in America, 2006-2019

San Diego Super Lawyer, 2015-2018

Southern California Super Lawyer, 2007-2014

San Diego's Top Attorneys, San Diego Magazine, 2007-2008, 2012-2014

Voted one of San Diego's top white collar defense lawyers, San Diego Magazine, 2007-2008

Voted Top Ten Criminal Defense Lawyers, San Diego Daily Transcript, 2005

Outstanding Trial Lawyer, Consumer Attorneys of San Diego, 1998
Special Achievement Award, United States Department of Justice, 1985
Honors Program, United States Department of Justice, 1974
Regents Scholar, U.C.L.A., 1967-1971

Articles

- "Cybersecurity: 36 Questions Every Director Should Ask," *Sheppard Mullin Corporate and Securities Law Blog*, August 21, 2013
- "District Court Grants Motion to Compel Against SEC, Holding that "Facts" Are Not Work Product In SEC Confidential Witness Interviews," *Sheppard Mullin Corporate & Securities Law Blog*, May 1, 2013
- "False Press Release Leads To Exclusion From Federal Programs," *Sheppard Mullin Healthcare Law Blog*, February 19, 2013
- "Corporations Must Cope With More Whistleblowers," *National Defense*, February 2013
- "DoJ and SEC Issue Long-Awaited FCPA Guidance," *Sheppard Mullin Corporate & Securities Law Blog*, November 16, 2012
- "What Can Directors Do About Whistleblowers?" *The Podium Guest Op-Ed*, November 13, 2012
- "S-O-X Protects Only Public Company Whistleblowers, Or Does It?" *Sheppard Mullin Labor & Employment Law Blog*, November 6, 2012
- "Switching to Electronic Medical Records May Not Be a Cure for Billing Abuses," October 25, 2012
- "Are You the Person Most Knowledgeable About PMK Discovery?" *Bloomberg BNA*, March 20, 2012
- "New Way of Doing Jurisdiction," *The Recorder*, January 27, 2012
- "SEC Changes Policy on Admitting Guilt in Settlements of Enforcement Actions," *Sheppard Mullin Corporate & Securities Law Blog*, January 11, 2012
- "Illegal Clinical Trials of Bone Cement Sends Executive to Prison," *Sheppard Mullin Healthcare Law Blog*, December 16, 2011
- "How to Turn a Bankruptcy Reorganization Into an Insider Trading Charge," *Sheppard Mullin Corporate & Securities Law Blog*, September 30, 2011
- "Five Tips From a Criminal Defense Lawyer to a Civil Practitioner," *Association of Business Trial Lawyers*, Spring 2010
- Co-author, "Dealing with the Working Whistle-Blower Under SOX", published by the *Society of Human Resource Management*, March 10, 2009
- "Sixteen Ways to Waive the Attorney-Client Privilege," *Sheppard Mullin Government Contracts Blog*, September 8, 2008
- "I'm being deposed! Why take the Fifth? Why not?," *San Diego Daily Transcript*, June 5, 2008
- "Q&A With Sheppard Mullin's Bob Rose," October 25, 2007
- "Criminalization of Noncompliance: How Do GC's Protect Their Companies and Themselves," September 24, 2007

- Moderating Influence Needed To Survive Corporate Investigations, *SHRM Online*, June 26, 2007
- Document Retention Policies Remain Crucial in Wake of Supreme Court's Andersen Ruling, June 30, 2005
- New Corporate Reform Law, August 4, 2002
- The Sarbanes-Oxley Act of 2002, *SMRH Client Update*, August 2002
- Recovering from Dishonest Employees and Their Accomplices, *SMRH Labor & Employment Update*, February 2002

Media Mentions

Sheppard Mullin Team Argues U.S. Supreme Court Trademark Case for Hana Bank
12.03.2014

Speaking Engagements

Speaker, "The Art of Storytelling," 40th Annual Seminar of the Association of Business Trial Lawyers, October 2013

Moderator, "What to Expect When You're Expecting To Go To Jail," Southern District of California Judicial Conference in San Diego, June 2013

Speaker, "Going Paperless: What Are the Legal Issues?" 2008 International Factoring Association Conference, April 2008

Speaker, "Criminalization of Non-Compliance: How General Counsels Protect Their Companies and Themselves," California Law Roundtable, June 2007

"Compliance From a Multidisciplinary Perspective," ACC America panelist, March 17, 2005

Moderator, "Practice Before the Federal Magistrate Judges," ABTL program, October 2004, June 2008, and March 2013

Creator and Panelist, "Business Crimes and Their Collateral Consequences," California CEB statewide program (1995-1996, 2002)

Instructor, "Federal Criminal Processes" course, University of San Diego Law School (1982)

Lecturer, Attorney General's Advocacy Institute (1983-1984)

Events

What Small Businesses Need to Know About Cybercrime
Third Thursday Emerging Company Webinar Series
via WebEx, 09.19.2013

Responding to the Threat of Cybercrime
Inaugural Program for the BABC's LA Transatlantic Law Council
06.19.2013

Education

J.D., University of California, Los Angeles, 1974

B.A., University of California, Los Angeles, 1971, *cum laude*

Admissions

California

All Federal Districts of California

N.D. of Illinois

Seventh, Ninth, Tenth and Federal Circuits