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TOP WHITE COLLAR LAWYERS 2021



Caldwell, a Latham partner, has been on both sides of the white collar bar for decades. She currently advises numerous Fortune 500 corporations—including leading technology companies—and their executives on crisis management, internal investigations and government enforcement. It doesn't hurt that along with her law degree she has a B.A. in economics summa cum laude from Pennsylvania State University. As head of the Enron Task Force, she led the successful prosecutions of more than 30 former Enron executives.

Before moving to Latham in 2017, she headed the Obama administration's criminal division at the U.S. Department of Justice, overseeing over 600 lawyers in 18 sections including fraud, money laundering and asset recovery, computer crime and intellectual property and the office of international affairs. Now she's alerting her Latham clients to President Joseph R. Biden and his administration's renewed efforts to prosecute white-collar crimes.

"It's not surprising," she said of the initiative announced by the DOJ in October, "given the Trump administration's drawback. They made an affirmative political decision to lighten up on white collar prosecutions. And then, of course, the pandemic slowed everything down."

A major Trump criminal enforcement project was his China Initiative, designed to counter the Chinese government's theft of U.S. trade secrets

and technology. At Latham, Caldwell pushed back hard against federal criminal charges against United Microelectronics Corp., a Taiwanese technology manufacturer swept up with a co-defendant, a Chinese state-owned enterprise, in the initiative.

The Chinese defendant is set for trial next year; Caldwell's client has agreed to cooperate with the U.S. government after she and colleagues investigated thoroughly, then systematically demonstrated to prosecutors that many of the factual allegations in the indictment were wrong and that the value of allegedly stolen trade secrets had been grossly exaggerated. In Oct. 2020, the company agreed to plead guilty to a single count of possession of a stolen trade secret and pay a \$60 million fine for the dismissal of criminal conspiracy charges. *U.S. v. United Microelectronics Corp.*, 3:18-cr-00465 (N.D. Cal., filed Sept. 27, 2018).

"If I were sitting in the government and looking at a similar case today, I'd want to make doubly sure I had my Is dotted and my Ts crossed, because that wasn't the case here," Caldwell said.

Her current matters are confidential. She represents a global technology company in connection with an investigation by the DOJ's foreign corrupt practices unit and the U.S. Securities and Exchange Commission. The probe spans markets across Asia, Latin America, the Middle East and Africa.

And Caldwell represents a major



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LITIGATION AND TRIAL

technology company in a DOJ investigation into allegations of False Claims Act violations in a government contracting program.

"I really enjoy helping clients with complicated challenges and scary problems," she said.

— John Roemer