

Richard T. Hamilton, Jr.

Partner | Chair, White Collar



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Practices/Industries

- Antitrust Litigation
- White Collar Defense
- Complex Business Litigation

Education

Youngstown State University
(B.A., *cum laude*, 1984)

Duquesne University School
of Law
(J.D., 1987)

The Duquesne Law Review,
Executive Editor of Recent
Decisions (1986-87),
Associate Editor (1985-86);
Recipient, Thomas J. and
Rose Brennan McManus
Award; Recipient, Edward I.
Goldberg Award

The University of
Pennsylvania Law School
(LL.M., 1988)

(Undertook additional antitrust
and labor law coursework and
wrote a thesis regarding the
application of economic
principles and labor law
exemptions to antitrust law.)

Overview

As chair of Ulmer & Berne's White Collar Practice Group, Rick draws on his more than 20 years as a federal prosecutor with the U.S. Department of Justice to counsel the firm's clients on a wide variety of matters, including criminal and civil violations of the Sherman Antitrust Act and related federal and state antitrust laws, securities, financial, Foreign Corrupt Practices Act (FCPA), RICO, mail and wire fraud, money laundering, tax violations, public theft, bribery, obstruction of justice, perjury, false statements, conspiracy, trade secrets, kickbacks, and criminal and civil asset forfeiture.

Rick spent the bulk of his career as a senior trial attorney with the U.S. Department of Justice Antitrust Division, and more recently with the U.S. Attorney's Office for the Northern District of Ohio - experience that enables him to provide his clients with a valuable combination of practical legal counsel and government perspective. As a federal prosecutor, he spent his time building cases from the ground up. As a defense lawyer, he now uses that same skill set to deconstruct, unbundle, and defend investigations and cases brought by the government.

At the U.S. Department of Justice, Rick was a no-nonsense, hands-on prosecutor who led complex international, national, and local white collar criminal investigations and prosecutions against individuals and corporations. These included a number of high profile, industry-transforming matters. As a lead attorney, Rick has extensive first chair trial experience, including criminal antitrust trials involving price fixing, bid rigging, and market allocation. Rick also has extensive expertise in handling all phases of grand jury matters. For much of his career, Rick's experience and expertise involved handling high-volume, sophisticated, document heavy investigations and prosecutions. He continues to handle these types of cases for his clients at Ulmer.

Widely respected as a federal prosecutor, Rick received the Office of the Inspector General Award for Excellence in 2009, for his role in the historic airlines price fixing investigation and prosecution, as well as numerous awards for sustained superior performance and individual or specific achievement. He was also handpicked for several prominent Antitrust Division-based trial groups and initiatives established by the Assistant and Deputy Assistant Attorneys General.

Experience

Defense

- Represented New York City corporation, its owners, and its employees in federal, criminal antitrust grand jury investigation initiated by the U.S. Department of Justice, Antitrust Division. At the conclusion of the investigation, no charges were brought.
- Represent individual identified as a target by the U.S. Department of Justice in an ongoing investigation involving allegations of theft of funds from a pension plan and wire fraud. Representation includes parallel SEC investigation.

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Experience (Cont)

Defense (Cont)

- Represent prominent Cleveland area individual and corporation in civil lawsuit brought by Cuyahoga County involving alleged violations of the Ohio Corrupt Practices Act, civil conspiracy, theft of public funds, civil liability for criminal acts, and fraud. Successfully obtained summary judgment at the trial court level, resulting in all counts being dismissed with prejudice. Argued the appeal before the Eighth District Court of Appeals, which affirmed the trial court's decision.
- Represent Ohio light manufacturer alleged to have engaged in illegal vertical price fixing and group boycott conduct with its distributors under the State of Ohio's Valentine Act. Successfully obtained summary judgment at the trial court level, resulting in dismissal of the case in its entirety. In this case of first impression, argued the appeal before the Ninth District Court of Appeals, which affirmed the trial court's decision.
- Represented Ohio corporation providing IT services indicted for money laundering, RICO, and aggravated white collar criminal violations in Florida state action. Following indictment, successfully negotiated a nolle prosequi resolution where all charges were dismissed by the State's Attorney General.
- Represented individual and his numerous companies in federal tax and money laundering investigation. No criminal charges were brought.
- Represent New York based company indicted for mail and wire fraud, money laundering, theft of public property, and obstruction of justice.
- Represented individual charged with insider trading by the SEC. Successfully negotiated "no admit or deny" settlement with minimal civil penalty and ability for the individual to reapply for industry employment.
- Represented individual charged with violations by the Office of the Comptroller of the Currency. Concluded the matter successfully by negotiating a significantly reduced monetary penalty.
- Represented individual in federal proceedings involving criminal and civil forfeiture related to a Ponzi scheme and related federal and state class action litigation involving claims of fraudulent money transfers. Successfully achieved return of property and negotiated a favorable settlement to conclude this litigation.
- Represented prominent financial institution whose financial advisor/agent stole significant sum of money (roughly \$1 million) from the financial institution's client. Successfully obtained, through prejudgment attachment and later criminal forfeiture proceedings, return of the stolen money and goods purchased with the stolen money.
- Represented prominent law firm in investigation involving allegations of obstruction of justice. Resolved this matter with no criminal charges being brought.
- Represent individuals in SEC and U.S. Department of Justice investigations involving alleged Ponzi scheme.
- Represented corporation and individual in enforcement action brought by Ohio Environmental Protection Agency. Successfully forestalled an action being brought by the State of Ohio.
- Represented individual in a matter involving state investigation of possible homicide. Concluded successfully with no charges being brought.
- Represented individual in matter involving criminal investigation conducted by Veteran's Administration Agency. Successfully concluded without a criminal violation being charged.
- Represent individuals in IRS investigations involving federal tax laws, both criminal and civil.

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Experience (Cont)

Defense (Cont)

- Represented international corporation in a matter involving recovery of money swindled from the client by an unscrupulous stock transfer agent.
- Represent Arizona company indicted for alleged criminal violations of environmental laws.
- Represented prominent company whose trade secrets were stolen by a competitor. Successfully resulted in favorable settlement and money being paid to our client.

U.S. Department of Justice

- On the international front, as part of the Antitrust Division's investigation of commercial price-fixing in the *air cargo industry*, successfully led three separate investigations of individuals and corporations, culminating in the indictment of two ex-Air France executives.
- Led a prominent FCPA and money laundering investigation for the U.S. Department of Justice's Criminal Division, FCPA Unit, involving the alleged payment of kickbacks and bribes to foreign officials related to the reconstruction of Iraq.
- Initiated, developed, and led the Ohio and Florida-based investigations and prosecutions of 16 corporate and individual participants in the *scrap metal industry* on charges of criminal price-fixing, bid rigging, market allocation, wire fraud, interstate transportation of stolen property, obstruction of justice, and perjury. Rick's work, which included first chairing two jury trials, resulted in more than \$16 million in criminal fines, payment of restitution to victims of the crimes, disgorgement, and significant jail time for certain high-level executives involved with the criminal conspiracies. One of the criminal antitrust trials that Rick first chaired in Miami, Florida, resulted in the clean sweep conviction of four individuals and two companies in the scrap metal industry for price fixing and market allocation following Hurricane Andrew. (*U.S. v. Giordano*, 261 F.3d 1134 (11th Cir. 2001)).
- Initiated, developed, and led a high-profile, industry-transforming investigation and prosecution of participants in the *magazine distribution industry*. What began as a local investigation into market monopolization quickly grew into a national investigation of the business practices of more than 400 regional and national distributors, as well as magazine publishers and other industry suppliers. Following the successful civil phase of the investigation, which included the four leading industry trade associations disbanding, Rick initiated and led national and international criminal investigations of magazine wholesalers, resulting in a number of successful criminal prosecutions, including first chairing a jury trial in Dallas.
- Prosecuted several companies and individuals in West Virginia and Virginia for school milk bid rigging and price fixing, including second chairing jury trial in Roanoke, Virginia.
- Was the first Antitrust Division attorney to prosecute a company for a violation of the Interstate Transportation of Stolen Property statute (18 U.S.C. §2314) in connection with a market allocation and bid rigging scheme.
- Was one of two Antitrust Division attorneys who were the first to prosecute an individual for bribery (in violation of 18 U.S.C. §666) in connection with a bid rigging scheme at a prominent local hospital.
- While serving as a trial attorney with the U.S. Attorney's Office in the Northern District of Ohio, Rick was assigned to the Major and Cyber Crimes Unit, where he was responsible for prosecuting a wide variety of general crimes, including criminal immigration matters, bank fraud, theft of public property, credit card fraud and identity theft, and felons in possession of guns.

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Presentations

- “Steering Clear of Criminal Consequences: What You Don’t Know About the Immigration Laws and Bid Rigging/Kickback Schemes May Land You in Jail and End Your Company,” Ohio ABC Seminar (March 2017)
- “A Primer on Price Discrimination Laws Under the Robinson-Patman Act: Identifying Issues and Avoiding Problems,” Tremco Incorporated (February 2016)
- “Antitrust Presentation: Price Discrimination,” RPM International, Inc. and Tremco Corporate Counsel Meeting (October 2015)
- “It’s What’s on the Inside that Counts: Addressing & Assessing Corporate Liability Through Internal Investigations,” Hot Topics in Financial Services & Securities Litigation (October 2014)
- “The Do’s and Don’ts of Antitrust Laws: Staying Out of Trouble,” RPM International, Inc. and Tremco Seminar (July 2014)
- “Antitrust Training Presentation, What You Need to Know about International Cartels,” Miba Bearings US (October 9, 2014)
- “What Happens When the Whistle Blows?,” Financial Services Hot Topics (December 2013)
- Criminal Antitrust Program for Federal Trade Commission (2008)
- Numerous Antitrust Division Senior Criminal Litigator Conferences (1991-2008)
- National Advocacy Center Instructor, Grand Jury Training Course (2003)
- Antitrust Division Instructor, Grand Jury Training Course (2001)
- Antitrust Division Instructor, Seminar for FBI and other government agents (2000)

Publications

- “More Uncertainty and Confusion for In-House Attorney Would-Be Whistleblowers,” ABA Business Law Section, *Director and Officer Newsletter* (November 2013)
- “United States v. Sestric,” *The Duquesne Law Review* (Volume 24, Issue 4, 1987)

Involvement

Professional Affiliations

- American Bar Association (*Advisory Board Member, Cartel and Criminal Practice Committee, Antitrust Section, 2013-2014*)
- Cleveland Metropolitan Bar Association

Firm Involvement

- White Collar Practice, Chair

Community Involvement

- National Eagle Scout Association
- Gesu Parish, 1992-present

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Involvement (Cont)

Community Involvement (Cont)

- Gesu Parish counsel, 2009-2010
- Served as representative on Catholic Diocese Sports Board overseeing rules changes for City basketball, 2008
- Head coach, Cleveland Heights Varsity Baseball, Summer, 2015-2016
- Head coach, Cleveland Heights JV Baseball, Summer, 2014
- Head coach, Make The Right Pitch, GLOBL Travel Baseball, 2009-2013 (League and Playoff Champions, 2010)
- Head coach, Gesu Baseball, 2007-11 (East Division champions, CYO Eighth Grade City Championship Runner-up, 2011)
- Head coach, Cleveland Heights Baseball and All Star teams, 2006-2008, 2001-2003.
- Head coach, Gesu Boys Basketball, 2006-11 (East Division Champions, Elite Eight in Eighth Grade City Championship, 2011)
- Head coach, Gesu Girls Basketball, 2004-2008 (East Division Champions, Elite Eight in Eighth Grade City Championship, 2008)
- Head coach, Gesu Boys Basketball, High School, 2008-2012 (multiple teams).
- Assisted as coach for numerous other Cleveland Heights, GLOBL travel baseball, and Gesu baseball teams; Cleveland Heights and Gesu Girls softball teams, and Gesu basketball teams, since 1999
- Head coach, Flag Football, Gesu, 2003-2004; 2006-2007
- Head coach, Flag Football, Cleveland Heights, 2002

Honors & Distinctions

- Named to the Ohio Super Lawyers list (2018, 2019)

Admissions

- State of Ohio
- State of Pennsylvania
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, Southern District of Florida